

February 6, 2010

From- San Miguel Advisory Council

Dear Mr. Wilson,

As we are sure you'll remember from our meeting on January 23, 2008, the San Miguel Advisory Council voted 7 to 0 to oppose the Pankey Sand and Gravel Mine. You will also remember that the very large crowd in attendance opposed this project by a 2 to 1 majority. The current iteration of SMAC having taken this into consideration along with new information presented is offering our comments and concerns at this time. However, before we delve into the details of the new plan, we'd like to point out the incongruity of the applicants timing in trying to move this project forward. The Board of Supervisors [ May 5, 2009 ] and the Planning Commission [Sept. 11, 2008 ] voted unanimously to create out of necessity a " Specific Management Resource Study of the Salinas River Watershed."

This plan will encompass all aspects of mining in the Salinas River and have a huge direct impact on this project.

That said, please find copies of our past correspondence, minutes, as well as our enumerated concerns with the new Pankey proposal in our official SMAC package.

Pankey Sand and Gravel CUP and Reclamation Plan DRC2005-00193 [ED09-122 ]

#### TRAFFIC-

The analysis of traffic circulation is completely inadequate. The Negative Dec. says it will only increase traffic in San Miguel by 2%, but that totally ignores the fact that it is an entirely different kind of traffic, big double trucks and trailers running thru town daily. These are loaded and unloaded and these are not the same as cars. The City of Paso Robles Roads Department [ Faulkenstien ] commented they do not want trucks loaded or unloaded on city streets, that their streets are negatively impacted. This is another reason for a complete traffic [current ] and circulation study for this EIR. All on-ramps and off-ramps of Cal Trans Hwy 101 need to be included. Minutes from a 1988 letter of concerns by a previous SMAC council, referred to themselves as Community Assistance League. It points out to the Board of Supervisors the same problems and concerns as we have in 2010 of the traffic circulation and safety for San Miguel. There is considerable confusion in the project description about after hour deliveries and the use of San Miguel streets. This needs to be defined. San Miguel is known as a walking community, with bike lanes, wine tours, tourist and Mission visitors all on narrow, old roads. The NOP contains a letter from the San Miguel School District relating to the safety factor of our school children. SMAC is equally concerned about this and it should be addressed in the EIR.

#### TRUCKS-

The EIR should analyze the problems of what the truck traffic will do to the infrastructure of San Miguel streets, County bridges, rail road crossings, feeder roads and the vibrations incurred by the newly retrofitted Mission. None of these old roads are wide enough or in good enough repair prior to the start of any trucking operation. There needs to be a discussion on the tax payers burden of responsibility for the upkeep of these roads. Because of commercial on site sales, there will be no control of truck routing. County Public Works did their last analysis of Mission Street in 2005 and it needs a study to protect the

recent improvements completed. We have included in our packet the San Miguel Advisory Council minutes from the public meetings held January 23, 2008 and February 27, 2008. Mining owner and applicant, Viborg, stated " Haul routes only pertain to loaded trucks... not unloaded, and unloaded trucks can travel anywhere". These words and our concerns lead us to expect an unbiased and current traffic analysis in this EIR.

#### **BIOLOGY- BOTANY-**

The NOP continues to use Biology and Botany studies that are outdated and deficient. The County should not be advancing the NOP document without a current and unbiased analysis to include not less than a full seasonal study in the EIR.

#### **AGRICULTURE-**

The NOP has failed to recognize the use of prime Agriculture farmland as 500 acres of state wide importance lost for 20 years to a "questionable allowable use". This is an introduction of "semi industrial use" in an Agriculture zoned area and these impacts need to be addressed in the EIR.

#### **DUST-**

The NOP used standard discussion in regards to dust mitigation [APCD ]. The scope of the EIR needs to take into consideration the documented prevailing winds on a daily basis of the Salinas River Valley. Dust would be unavoidable and problematic [ trucks ] on the rural roads and through the village of San Miguel and would test the County " nuisance ordinance ". This cannot be mitigated. A complete study of Dust impacts [ Valley Fever ], crops, livestock and the habitat are pertinent in the EIR for the community, town and at the mine site.

#### **MISSION-**

The EIR needs more than a surface archaeological survey given the accumulation of sediment since Aboriginal times. It is well documented that 15 human remains were found at "The Lakes" project in the city of Atascadero. Given the historical significance of the Mission and the surrounding area of the Salinas River, a detailed study must be included in the scope.

#### **VISUAL CORRIDOR-**

The NOP failed to address the view areas of the project other than the view from Indian Valley Road. The EIR needs to address the Hwy 101 corridor and the gateway to the County from the north. There can be no mitigation for views from surrounding areas and its lack of a "Seasonal Canopy" shielding it. There are various references to "special allowances" for working after hours, "special request" for night time lighting [glare ] and night time deliveries. All this will be a visual environmental impact and should be defined and studied in the EIR. We question the compatibility with the County " land use " and the San Miguel design plan, SMAC minutes January 23, 2008 included in our packet.

#### **NOISE-**

An updated noise/sound analysis is pertinent for the EIR. The community of San Miguel's last noise study was in 1993. Trucks traveling through the community and sound created by the project, must be included and analyzed in the scope.

**SHERIFF and CHP-**

The EIR needs to include the Sheriff and Highway Patrol in the scope and scoping meetings. Safety on roads, safety in the community and safety at the site and the impacts of off road vehicles should be discussed. Both agencies have stated at our SMAC meetings that "it's impossible to control" so this needs to be included in the EIR for the protection of San Miguel.

**MONTEREY COUNTY-**

The NOP fails to include Monterey County to the north or Big Sandy [ Fish and Game ]. They should be included in all aspects of the EIR, from the study of the impacts on the River, the Steelhead migration corridor [NOAA ], overdraft upstream and downstream, and all potential negative affects should be included. The NOP needs to identify the Union Sand and Gravel Plant at Bradley on the Monterey County line just 5 miles north of San Miguel. This current permitted mine operates outside of the Salinas River and could transport product down Hwy 101 not impacting San Miguel community and should be included in the scope of the EIR.

**AGENCIES-**

The NOP lacks credibility with regards to current and updated responses from agencies. Responses are lacking or out dated and should be included in the EIR from the Department of Fish and Game, Regional Water Quality Control Board, RCD, NOAA, Department of Conservation, SLO County Sheriff, Highway Patrol, Cal Trans and Fish and Wildlife. The scope needs to include a National Impact Document/NIPA from the Army Corp of Engineers and National Marine Fisheries in writing before approval from the County. Camp Roberts should also be included for their comments.

Respectfully Submitted,

San Miguel Advisory Council  
Gary Davis- Chairman

SAN MIGUEL COMMUNITY ASSISTANCE LEAGUE

JUNE 28, 1988\*

HONORABLE BOARD OF SUPERVISORS  
COUNTY OF SAN LUIS OBISPO  
Jerry Diefenderfer  
Bill Coy  
Jim Johnson  
Carl Hysen  
Evelyn Delany  
COURTHOUSE ANNEX  
SAN LUIS OBISPO, CA. 93408

Dear Supervisors,

Concerning the planning commission action to approve the development plan, reclamation plan for a project surface mining and gravel extraction project; land use permit nos. D860240d/D860241M (VIBORG);.

The Board of Directors for the San Miguel Community Assistance League, although not fully informed about the scope of the project, wishes to forward its concern about the project in general as it could impact our community.

1. Level of heavy truck traffic on our newly paved main throughfare. (Mission St., old U.S. 101)

2. The onramps to 101 within our community pose several problems

A. The Mission St. South 101 onramp enters the Fast Lane of U.S. 101 from an almost blind underpass under U.S. 101 North. Slow trucks coming on to this portion of the highway would pose a very serious traffic hazard. Also the onramp access passes directly past the Historic Mission San Miguel with heavy tourist traffic in the summer months. Including the county Parks and Recreation Dept. proposed R.V. Park.

B. The Mission St. North on ramp crosses a railroad spur to Camp Roberts that has a blind entrance and no stop lights or warning lights when the spur is in use.

C. The 10 th St. North and South onramps to U.S. 101 are only accessible from the proposed project up a very steep grade on 10th St. where many heavy trucks have become stuck because of the steep grade and minimal maneuvering area or thru residential streets. These onramps are already heavily used by the Military at Camp Robert but the heavy traffic remains above the grade and away from the residential areas.

D. Concern for Children in the area going to Parks and School Playgrounds with no lights or crosswalks on Mission St., and heavy truck traffic thru residential streets.

E. In sumation we feel this project, if you unfortunately allow to operate should be restricted to truck routes that do not use these onramps.

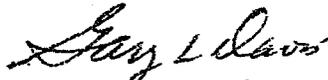
3. Concern for School Bus Safety on River Rd. a narrow windy road.

4. Concern about the County Staff's disregard for appropriate planning review and the proposed changing of prime agricultural and ecological sensitive property to more industrial use which will ultimately change the nature, appearance and economic structure of the area and community without requiring and Enviromental Impact Report.

The county has requested the community to make recommedations to help make the community more attractive and a better place to live and then the county staff recommends approval of permits for eyesores such as gravelpits, and an Ice Plant that was condemed in Paso Robles, to be built in our community.

The county planning staff can't have it both ways.

Respectfully,



Gary L. Davis  
President S.M.C.A.L.  
For The Board of Directors

San Miguel Advisory Council

PO Box 425

San Miguel, CA 93451

Muny Wilson, Planner, SLO County Planning

**RE: Proposed Pankey Sand and Gravel Mine; 4444 Indian Valley Road; DRC 2005-00193**

February 21, 2008

Dear Mr. Wilson:

It was a pleasure meeting you at our last SMAC meeting on January 23, 2008. As you know from our straw poll of the large crowd in attendance: a large majority of the people oppose the proposed Pankey Sand and Gravel mine and the resultant tractor and trailer traffic through San Miguel and it's environs. They opposed it for safety, environmental, and aesthetic reasons. Also mentioned was the inherent wear and tear on the roads as well as the non specific direction of any proposed mitigation fees.

As representatives of the people of San Miguel and it Spheres Of Influence, the San Miguel Advisory Council shares their concerns. We have serious and grave concerns about the safety and aesthetics of the proposed fourteen thousand (14,000) annual truck trips. Additionally, we feel that the proposed mitigation fees are: non area specific and will end up in the general fund and will not yield any direct and beneficial impact on San Miguel.

By a unanimous vote of the San Miguel Advisory Council, I have been authorized to send this letter specifically stating our opposition to project for the aforementioned reasons.

Moreover, due to time constraints at the last meeting, we were unable to finish our evaluation both the Viborg/Calkins Sand and Gravel mine at 7595 Estrella Road, DRC 2006-00039, and the Pehl Sand and Gravel Mine at 6190 River Road near Wellsona. We will be revisiting both of these mines and the cumulative effects of all mines at our next meeting on February 27, 2008. We hope that both you and Jeff Oliveira will be on hand to answer questions.

Sincerely,

Denis Degher , Chair

Subj: **January 2008 Minutes**  
 Date: 1/24/2010 5:55:31 P.M. Pacific Standard Time  
 From: mcharrisranch@tcsn.net  
 To: denis@mojocellars.com, north4dranch@aol.com  
I assume you might still want to quote the minutes.

## **SAN MIGUEL ADVISORY COUNCIL MINUTES**

PO Box 425, San Miguel, California, 93451

**MEETING TIME & DATE: 7:00 PM – JANUARY 23, 2008**

**LOCATION: COMMUNITY CENTER – (13<sup>th</sup> Street and the alley)**

1. Flag Salute
2. Roll Call

**ADVISORY COUNCIL MEMBERS PRESENT**

DENIS DEGHER – CHAIR  
 SCOTT YOUNG – VICE CHAIR  
 TOM BANISH – TREASURER  
 STEVE McHARRIS – PUBLIC RELATIONS  
 NOEL CARPENTER – HISTORIAN  
 MIKE SANDERS – MEMBER  
 KIRK AWALT – ALTERNATE

**ADVISORY COUNCIL MEMBERS ABSENT**

BETTY CAZALY – SECRETARY  
 MARTI JOHNSON – ALTERNATE

3. Minutes Approval: Approved as amended 7-0 vote.
4. Treasurer's Report: Tom Banish reported at \$608.82 balance and an application completed to request \$1,000 from the supervisor's office.
5. Chair's Report: Council member Degher stated that he would draft a letter to the CSD requesting downtown trash collection service.
6. Public Reports
  - a. CHP and/or Sheriff: None
  - b. CSD Report: None
  - c. Supervisors Office: Cliff Smith reported that the 14<sup>th</sup> Street Improvements award would occur next week for construction next year.
  - d. San Miguel Ranch: None
  - e. Community Service Organizations (3-5 min per organization): San Miguel Resource Connection reported of a \$2500 PG&E Grant to fund a grant writer for downtown improvements. Announced ongoing master at their trade programs.  
 Scott Young reported on the clean-up committee being taken over by the Firefighters Association volunteer group. Chipping and trash collection would occur on a monthly basis; dumpster will be provided next to the CSD building; and sign up for chipping services (up to 6" diameter) is available at the CSD office. The first chipping will occur on 2/15/08.
7. Public Comments: None.
8. Old Business:
  - a. Bylaws update: To Be Continued
  - b. Pankey Sand and Gravel Mine: 4444 Indian Valley Rd., DRC 2005-00193.

Monday, January 25, 2010 AOL: North4DRanch

Murry Wilson Planner. 781 5600; [mwilson@co.slo.ca.us](mailto:mwilson@co.slo.ca.us) from County planning presented the project along with applicant/owner John Tannehill. Project was described as a 55-acre total area with 8-acres designated for stockpiles, all within the Salinas riverbed, located ¼ mile north of the San Miguel Urban Reserve Boundary. Operations would include sand skimming to a maximum of 5 feet deep and could not be closer than 1 foot deep to groundwater at any given time. All riparian ways would be avoided. Staff's environment assessment has concluded that there would be no environmental impacts after application of mitigation measures. The project would result in up to 72 truck trips per day. On-site employment would require 5 individuals. Operating hours would be 8:00 am to 5:00 pm. Staff is recommending project approval.

The Council asked questions regarding impacts to: fish; habitat; noise; visual; operational; truck traffic; on-site equipment; on-site dust control; associated truck route road maintenance funding; and downtown and neighborhood impacts. There were also several focused questions and comments regarding impacts to the downtown and Wellsona neighborhood. A straw poll was taken of those in attendance indicating that of the 70+ people attending (including the project proponents and consultants), those not in support of the project were at a ratio of 2:1.

Public comments focused on truck traffic into downtown San Miguel and along River Road, and lack of county enforcement of conditions of approval or mitigation measures. Public comments also identified noise, safety, air quality; and a disproportionate amount of sand and gravel operations along the Salinas River negatively impacting River Road and the Wellsona neighborhood.

The Council agreed to have a letter sent to the County Planning Commission stating project-related concerns with truck traffic and safety in downtown San Miguel and the Wellsona area, and a request for any truck fees from this operation to be applied to the impacted truck routes rather than into the County-wide general fund.

#### 8. New Business & Referrals:

- a. Pehl Sand and Gravel Mine at 6190 River Rd. near Wellsona. Jeff Oliveria Planner: 781 4167; [joliveria@co.slo.ca.us](mailto:joliveria@co.slo.ca.us). from County planning presented the project along with applicant/owner John Pehl. Project was described as a 10.55-acre total area with 2-acres designated for stockpiles on the terrace above the Salinas riverbed, located within the Wellsona area, near Airport Road. Operations would include sand skimming to a maximum of 5 feet deep and could not be closer than 1 foot deep to groundwater at any given time. All riparian ways would be avoided. Staff's environment assessment has concluded that there would be no environmental impacts after application of mitigation measures. The project would allow up to 80,000 cubic yards of sand equating to 8,000 total annual truck trips. Operating hours would be between 8:00 am to 5:00 pm. Staff is recommending project approval.

The Council asked questions regarding impacts to: fish; habitat; noise; visual; operational; truck traffic; on-site equipment; on-site dust control; associated truck route road maintenance funding; and downtown and neighborhood impacts. There were also several focused questions and comments regarding impacts to the downtown and Wellsona neighborhood. A straw poll was taken of those in attendance indicating that of the people attending (including the project proponents and consultants), those not in support of the project were at a ratio of 2:1.

Public comments focused on truck traffic into downtown San Miguel and along River Road, and lack of county enforcement of conditions of approval or mitigation measures. Public comments also identified noise, safety, air quality; visual; and a disproportionate amount of sand and gravel operations along the Salinas River negatively impacting River Road and very direct impacts to the Welsonna neighborhood, and specifically the existing tourism and agricultural operations. Neighbors along Monterey Road (across the river) were also very concerned about the visual, noise, air quality, agricultural crop and animal raising, and tractor/pedestrian/bicycle safety impacts. There was discussion about other operations that had been applied for in the past and/or grandfathered in that should be considered when reviewing this proposed project as the cumulative impacts needed to be considered on the Welsonna agricultural operations and neighborhood. The project would impact class 1 and class 2 prime agricultural soils and change the character of the land and neighborhood for the next 20 years. The County is treating mining operations as agriculture which is not fair as the project site is within a Williamson Act contract meaning that the sand and gravel operation would be treated exactly the same as a traditional agricultural operation.

The Council agreed to continue this item to further study and consider the proposed project as well as the cumulative effects of all three proposals heard this evening.

- b. Calkins Sand and Gravel Mine: 7595 Estrella, DRC 2006-00039. Jeff Olveria. from County planning presented the project along with applicant Paul Viborg. Project was described as a 7-acre total area with 2-acres designated for stockpiles on the terrace above the Estrella riverbed, located along Estrella Road near Airport Road. Operations would include sand skimming to a maximum of 5 feet deep and could not be closer than 1 foot deep to groundwater at any given time. Skimming would only occur 2 months out of the year but delivery operations from stockpiles could be any time of the year. All riparian ways would be avoided. Staff's environment assessment has concluded that there would be no environmental impacts after application of mitigation measures. The project would allow up to 45,000 cubic yards of sand. No class 1 or 2 soils impacted. Operating hours would be between 8:00 am to 5:00 pm. Staff is recommending project approval.

The Council asked questions regarding impacts to: habitat; noise; visual; operational; truck traffic; on-site equipment; associated truck route road maintenance funding; and neighborhood/agricultural impacts. There were also several focused questions and comments regarding impacts to the Hwy 46/Airport Road intersection, high visibility of the site, and lack of truck route enforcement from either the Department of Transportation or local law enforcement.

Public comments focused on truck traffic into downtown San Miguel and along River Road, and lack of county enforcement of conditions of approval or mitigation measures. Public comments also identified noise, safety, air quality; visual; and a disproportionate amount of sand and gravel operations along the Salinas River negatively impacting River Road and very direct impacts to the Welsonna neighborhood, and specifically the existing tourism and agricultural operations. Neighbors along Monterey Road (across the river) were also very concerned about the visual, noise, air quality, agricultural crop and animal raising, and tractor/pedestrian/bicycle safety impacts. There was discussion about other operations that had been applied for in the past and/or grandfathered in that should be considered when reviewing this proposed project as the cumulative impacts needed to be considered on the Welsonna agricultural operations and neighborhood. The project

would impact class 1 and class 2 prime agricultural soils and change the character of the land and neighborhood for the next 20 years. The County is treating mining operations as agriculture which is not fair as the project site is within a Williamson Act contract meaning that the sand and gravel operation would be treated exactly the same as a traditional agricultural operation.

The Council agreed to continue this item to further study and consider the proposed project as well as the cumulative effects of all three proposals heard this evening.

- c. Barker Condo Conversion, Tract 2929, SUB 2006-00175; E Kavanaugh from County Planning presented the request. Areas of inconsistency with the San Miguel Community Design Plan and County standards for condominium development were discussed. The Council agreed to not support the item for reasons of plan inconsistency.
- d. Degher Minor Use Permit – DRC2007-00084. Small winery (300-500 cases) in existing garage. APN 027-171-006. E Kavanaugh from County Planning presented the request. The Council agreed to support the item.

**Adjournment 10:20PM**

Denis Degher, Chair San Miguel Advisory Council  
San Miguel Advisory Council  
PO Box 425  
San Miguel, CA 93451

Harry Ovit, Gene Melschau, Bob Roos, Anne Wyatt, Sara Christie, Penny Rappa, John Nall, Vic Holanda, Warren Hoag, Murry Wilson, Jeff Oliveira, Gene Melschau, Bob Roos, Anne Wyatt, Sara Christie, Penny Rappa, Slo County Planning et al

RE: Proposed Panky (DRC 2005-00193), Pehl (DRC 2005-0027) & Viborg/Calkins (DRC 2006-00039) Sand and Gravel Mines

March 19, 2008

Dear Supervisors, Commissioners & Planners:

As representatives of the people of San Miguel and its "Sphere Of Influence," it is our duty to represent and codify the pulse of the people in our district and to advise the powers that be in San Luis Obispo County of our findings. At both the January 23<sup>rd</sup> & February 27<sup>th</sup>, 2008 meetings, very large crowds gathered for what turned out to be marathon meetings. The message was loud and clear: Opposition to the aforementioned mines was weighted heavily against all three mines (see accompanying minutes for details). They opposed them for safety, environmental, and aesthetic reasons. They opposed them for the negative impact on: Ag Tourism, wineries, horse farms, other agricultural ventures, wear and tear on roads and their inconsistency with the surrounding neighborhoods.

After listening to county planners, the mine applicants and the people, SMAC voted unanimously to oppose all three mines. Given the information presented, we feel that it will not be possible to mitigate the negative impacts of these and other mines. Additionally, any proposed mitigation fees are non area specific and will not yield any direct and beneficial impact to San Miguel Miguel and its environs.

Furthermore, we question County Planning's ability to make CUP "Finding" that the projects will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development as identified by the public comments. Moreover, the cumulative effect of these three mines and the additional proposed mines has not been taken into consideration and an Environmental Impact Report may be required by California State laws.

To further amplify our unanimous opposition, I am including "Approved" Minutes to our January 2008 meeting and the "Draft" Minutes to our 2008 February meeting as well as any letters and other documents that have been presented to use by the public.

On behalf of the San Miguel Advisory Council,

  
Denis Degher

# **SAN MIGUEL ADVISORY COUNCIL AGENDA**

## **DRAFT MINUTES**

PO Box 425, San Miguel, California, 93451

**MEETING TIME & DATE: 7:00 PM – FEBRUARY 27, 2008**  
**LOCATION: COMMUNITY CENTER – (13<sup>th</sup> Street and the alley)**

1. Flag Salute
2. Roll Call

### **ADVISORY COUNCIL MEMBERS PRESENT**

DENIS DEGHER – CHAIR  
SCOTT YOUNG – VICE CHAIR  
STEVE McHARRIS – PUBLIC RELATIONS  
NOEL CARPENTER – HISTORIAN  
MIKE SANDERS – MEMBER  
BETTY CAZALY – SECRETARY  
MARTI JOHNSON – ALTERNATE

### **ADVISORY COUNCIL MEMBERS ABSENT**

TOM BANISH – TREASURER  
KIRK AWALT – ALTERNATE

3. Minutes Approval: Approved as submitted 6-0 vote.
4. Treasurer's Report: No Report.
5. Chair's Report: Council member Degher stated that he sent a letter to the CSD requesting downtown trash collection service.
6. Public Reports
  - a. Sheriff answered questions regarding the ongoing illegal off-road trespass within the Salinas riverbed.
  - b. CSD Report: None.
  - c. Supervisors Office: Cliff Smith reported that a bank had opened in San Miguel, a sewer contract had been let, and a swimming pool had been removed. Mr. Steve Frank (Mission Street Project Manager) stated that a \$350,000 contract for the 13<sup>th</sup> – 14<sup>th</sup> Improvement project was underway, including storm drain to the Salinas River, curb and gutter, bus stop. Should be complete in 10 days except for six street lights that were still in transit. The \$750,000 14<sup>th</sup> Street mid-block project will include storm drain from Mission Street to the Salina River and would be complete in 60 days. After projects are complete, Mission Road will receive a complete pavement overlay. Mr. Frank also stated that there would not be a street light in front of the new Deli Market on Mission Road. Mr. Frank will provide Council Member Young with bench manufacturer information for possible benches at Father Reginald Park.
  - d. San Miguel Ranch: Draft EIR will be complete in 2 – 4 months.
  - e. Community Service Organizations: San Miguel Resource Connection reported of hiring a grant writer for downtown improvements, announced business forum for April 24<sup>th</sup>, and military personnel counseling program. Council Member Young reported on the clean-up committee being taken over by the Firefighters Association volunteer group. Chipping and trash collection

commenced on 2/15/08; dumpster is located next to the CSD building; and sign-up for chipping services (up to 6" diameter) is available at the CSD office. The first chipping occurred successfully on 2/15/08, and donations are accepted.

7. Public Comments: There were comments regarding the \$4,000 cost for Mission Street benches, a dip at 14<sup>th</sup> and Mission, illegal motorcycle private property trespass in the Salinas River, and a trash problem at Wellsona and Monterey Road.
8. Old Business:
  - a. Bylaws update: Continued.
  - b. Pehl Sand and Gravel Mine at 6190 River Rd. near Wellsona. Jeff Oliveira Planner: 781 4167; [joliveira@co.slo.ca.us](mailto:joliveira@co.slo.ca.us) from County Planning presented the project, stating that the environmental document was complete and on file with the County and on the County web site. The project would be presented to the Planning Commission on 3/27/08 and the environmental document review period ends on 3/24/08. He described an expanded public process that allows the public to make appeal comments. Mr. Oliveira described the project as a 10.55-acre total area with 2-acres designated for stockpiles on the terrace above the Salinas riverbed, located within the Wellsona area, along River Road. Operations would include sand skimming to a maximum of 5 feet deep and would not be closer than 1 foot deep to groundwater at any given time. All riparian ways would be avoided. Truck traffic would include up to 65 trucks per day. Some vegetative brush would be removed for the project. Staff's environment assessment has concluded that there would be no environmental impacts after application of mitigation measures; however, staff made note of the various public comments from the January 2008 SMAC meeting and would include them in the staff report to the Planning Commission.

Council member Young asked about the cumulative effects of all of the proposed and future mining operations. Council member McHarris asked about the approval beyond the environmental documents, specifically seeking clarification of the required Conditional Use Permit (CUP) "Findings" that the Planning Commission would have to make.

Public comments focused on truck traffic into downtown San Miguel on Mission Road and along River Road through the Wellsona area, and lack of county enforcement of conditions of approval or mitigation measures. Public comments also identified noise, safety, air quality; visual; and a disproportionate amount of sand and gravel operations along the Salinas River negatively impacting River Road and significant impacts to the Wellsona neighborhood, and specifically the existing tourism and agricultural operations. There was discussion about other operations that have been applied for that should be considered when reviewing this proposed project as the cumulative impacts needed to be considered on the Wellsona agricultural operations and residential neighborhood. There was concern that mining operations were incompatible uses with agricultural tourism (including Harris Stage Lines, River K Pumpkins, crops and horse raising) and agricultural neighborhoods, and that mining operations could be eligible

operations under agricultural uses within a Williamson Act contract. Project applicant Mr. Pehl stated that he would fine any trucks \$50.00 that did not follow his approved truck route and he would not be mining sand when the river was flowing.

Council member Degher took a straw poll of those in attendance indicating that of the people attending (including the project proponents and consultants), those not in support of the project were at a ratio of 4:1 (24 persons:6 persons).

Councilmember McHarris made a motion recommending the County Planning Commission not approve the proposed mining project based on the inability to make CUP "Finding" that the project will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development as identified by the public comments. Council member Degher seconded the motion. The vote was 6 – 0 approving the motion.

- c. Calkins Sand and Gravel Mine: 7595 Estrella, DRC 2006-00039. Jeff Oliveira from County Planning presented the project as a 7-acre total area with 2-acres designated for stockpiles on the terrace above the Estrella riverbed, located along Estrella Road near Airport Road. Operations would include sand skimming to a maximum of 5 feet deep and could not be closer than 1 foot deep to groundwater at any given time. Skimming would only occur 2 months out of the year but delivery operations from stockpiles could be any time of the year. All riparian ways would be avoided and no vegetation would be removed. He described an expanded public process that allows the public to make appeal comments. Staff made note of the various public comments from the January 2008 SMAC meeting and would include them in the staff report to the Planning Commission. The environmental document would be available in April with a tentative Planning Commission Public Hearing on May 8, 2008.

The Council asked questions regarding truck impacts and direct truck route access along Airport Road to Highway 46.

Public comments focused on the inability to control truck traffic routes or restrict truck traffic solely to the Airport Road route, and lack of enforceable mitigation measures. Public comments also focused on Wellsona neighborhood impacts if truck traffic were permitted to travel on River Road as: noise, safety, air quality, visual and tractor/pedestrian/bicycle safety impacts, road degradation. There was discussion about this proposed project as the cumulative impacts of the other proposed and future foreseeable north county mining operations. There were also questions raised about the potential dust and visual impacts to the adjacent vineyards. There was a comment from the proposed operator Paul Viborg that sand was needed in the County and there were few good locations that did not impact neighborhoods like this one. Mr. Viborg stated that full trucks would only use the Airport Road route to Highway 46; however, the empty trucks traveling to the site would not be restricted to any specific route. Public discussion then again

focused on empty truck traffic through San Miguel and the Wellsona neighborhoods with the same environmental impacts as previously stated. The applicant and staff were not sure if the empty trucks could be restricted to the Airport Road truck route.

Council member Young made a motion to continue the item for additional information. There was no second.

Councilmember McHarris made a motion recommending the County Planning Commission not approve the proposed mining project based on the inability to route empty truck traffic along the Airport Road route to Highway 46, and the Draft SMAC Meeting minutes were to be attached to the recommendation so the Planning Commission could better understand the applicant's request and the community concerns. Council member Young seconded the motion. The vote was 6 – 0 approving the motion.

#### 8. New Business & Referrals:

- a. Bohner Sub 2005- 0248 – Planned Development – 4 houses on 4 small lots. Corner of 10<sup>th</sup> and L Street. Applicant Jeff Bohner presented the project. There was discussion about the home owner's association/open space maintenance, street trees, site density, architecture, color and materials. There was also discussion about smart growth and the issue of infilling high-density residential sites with detached single-family homes. Staff identified the allowed density of 5 units and the proposed small lot houses equated to 4 so that this was not a significant issue for the project site. There was also discussion about the homes being of high-quality architectural design and materials. There was no public comment.

Councilmember McHarris made a motion recommending the County Planning Commission approve the proposed project with the following criteria: Change the Chitalpa street tree to a larger shade tree; use earth-tone colors rather than pastel colors on the homes; extend the second story shingle siding treatment to the lower window sill; identify the privacy screen on unit #1 as iron work rather than wood lattice; and place all propane tanks underground rather than above ground. Council member Carpenter seconded the motion. The vote was 6 – 0 approving the motion.

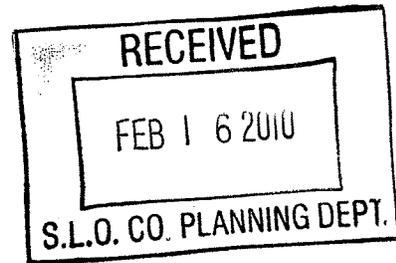
- b. Council member McHarris stated that the County Planning Commission was to consider incorporating the County Smart Growth Principles and Implementing Strategies into the County General Plan Framework for Planning on Thursday March 13, 2008 (ERP 2005-00013). The Council agreed to forward another letter of support to the Planning Commission prior to March 13, 2008.

**Adjournment 10:20PM**



February 10, 2010

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



**SUBJECT:** APCD Comments Regarding the Pankey Sand & Gravel Mine  
(DRC2005-00193) NOP Project Level (ED09-122)

Dear Mr. Wilson,

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 sand and gravel pit operation located at 4444 Indian Valley Road, San Miguel, CA 93408.

This project has been revised and reduced in scale from the previous submittal. It includes sand and gravel removal from the Salinas River and a portion of Vineyard Creek. The project has been reduced from a maximum yearly extraction of 145,000 cubic yards to 105,000 cubic yards based upon the Area-Wide Adoptive Management Plan (July 17, 2009). Thus, this revised project is now composed of three (3) excavation areas that total 105,500 cubic yards per year (36,000 from the North Salinas River excavation area, 60,000 from the South Salinas River exaction area, and 9,500 from the Vineyard Creek excavation area).

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

1. Contact Person:

Andy Mutziger  
Air Pollution Control District  
3433 Roberto Court  
San Luis Obispo, CA 93401  
(805) 781-5912

2. Permit(s) or Approval(s) Authority:

Portable equipment activities may require statewide registration or an APCD permit. Additionally, this project may require APCD permits and applicants may need to apply for an

Authority to Construct. Please contact our Engineering Division at (805) 781-5912 for more information.

Developmental Burning

Effective February 25, 2000, **the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.** Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, APCD approval, and issuance of a burn permit by the APCD and the local fire department authority. The applicant is required to furnish the APCD with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact the APCD Enforcement Division at 781-5912.

3. Environmental Information:

The potential air quality impacts should be assessed in the EIR. This analysis should address both short-term and long-term emissions impacts (including traditional air pollutants and greenhouse gas emissions) and include the following information:

- a. A description of existing air quality and emissions in the impact area, including the attainment status of SLO County relative to State and Federal air quality standards and any existing regulatory restrictions to development. The most recent Clean Air Plan should be consulted for applicable information.
- b. A complete emission analysis should be performed on all relevant emission sources, using emission factors from the EPA document AP-42 "Compilation of Air Pollutant Emission Factors", the latest approved version of URBEMIS, EMFAC, OFF-ROAD or other approved emission calculator tools. The emissions analysis should include calculations for estimated emissions released from the anticipated land use on a quarterly and yearly basis. Documentation of emission factors and all assumptions (i.e. anticipated land uses, average daily trip rate from trip generation studies, average trip length, vehicle and equipment emission factors, etc.) should be provided in an appendix to the EIR. The quantitative analysis should address criteria pollutants, greenhouse gases, toxics and fugitive dust.

The Initial Study Summary has informational discrepancies between the Air Quality Section and The Transportation/Circulation Section.

The Air Quality Section indicates that the project would generate approximately 18 trips per day (Monday-Friday) and approximately 13 trips per day on Saturday. The Transportation/Circulation Section states that the project would generate a maximum of 34 trips per day (Monday- Friday) and a maximum of 25 trips per day on Saturday. In addition, this section states that total maximum truck trips associated with material deliveries would be 203 trips per day. Please address

these discrepancies and ensure all vehicle trips are included in the emissions calculations.

- c. The EIR should include a range of feasible alternatives to the proposed project that could effectively minimize air quality impacts. A thorough emissions analysis should be conducted for each of the proposed alternatives identified. The EIR author should contact the SLO County APCD if additional information and guidance is required. All calculations and assumptions used should be fully documented in an appendix to the EIR.
- d. Assembly Bill 32, the California Global Warming Solution Act of 2006 and California Governor Schwarzenegger Executive Order S-3-05 (June 1, 2005), both require reductions of greenhouse gases (GHG) in the State of California. The Governor has recognized mitigation efforts will be necessary to reduce greenhouse gas emissions. In order to address these issues, greenhouse gas emissions should be evaluated in the EIR, and appropriate mitigation identified.
- e. Health Risk Assessment –Type A - New Toxic Source that Impacts Sensitive Receptors

This project has the potential to emit toxic or hazardous air pollutants which may impact sensitive receptors. Sensitive receptors are people that have increased sensitivity to air pollution. Sensitive receptor locations include schools, residential dwellings, parks, day care centers, nursing homes, and hospitals. Health impacts may be significant due to an increased cancer risk for the affected population, even at a very low level of emissions. This project should be required to include a health risk assessment in the EIR to document 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. It also outlines the recommended procedures to identify when a project should undergo further risk evaluation, how to conduct the health risk assessment (HRA), how to engage the public, what to do with the results from the HRA, and what mitigation measures may be appropriate for various land use projects. 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 project is considered a Type A project, a new proposed land use project that generate toxic air contaminants that may impact sensitive receptors. 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.

**A screening level health risk assessment should be performed prior to final project approval to determine potential health risks to residents of the development. Depending on the results of the screening level health risk assessment a more comprehensive analysis maybe required.**

**State law H&SC 42301.6 Permit Approval: Powers and Duties of APCO states that prior to approving a facility which emits toxic emissions within 1,000 feet of a school, notification is required to nearby residents, to parents and guardians of school children attending the school, regardless of the amount of toxic emissions or its potential health risk. To minimize potential delays, prior to the start of the project, please contact the APCD Engineering Division at (805)781-5912 for more specific information regarding permitting requirements.**

Based on the information provided, it is not clear whether diesel equipment and truck trips will impact Lillian Larsen School and residences in San Miguel, CA. If the project will result in operation of diesel vehicles or equipment near any sensitive receptors, such as a school or residences, the following measures should be included in the mitigation section of the EIR:

#### **Diesel Idling Restrictions**

When diesel engines are idling near sensitive receptors, the following idling restrictions are needed to reduce exposure to diesel exhaust. The APCD recognizes the public health risk reductions that can be realized by idle limitations for both on and off-road equipment. The following idle restricting measures are required for any diesel idling near sensitive receptors:

- a. **Idling Restrictions Near Sensitive Receptors for Both On and Off-Road Equipment**
  1. Staging and queuing 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 whenever possible; and,
  4. Signs that specify the no idling requirements must be posted and enforced at the construction 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](http://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/frooal.pdf](http://www.arb.ca.gov/regact/2007/ordiesl07/frooal.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.

- f. A cumulative impact analysis should be performed to evaluate the combined air quality impacts of this project and impacts from existing and proposed future development in the area. This should encompass all planned construction activities within one mile of the project.
- g. The data analyses requested above should address local and regional impacts with respect to maintaining applicable air quality standards. Authors should consult the SLO County APCD to determine if a modeling analysis should be performed and included in the EIR.
- h. Any temporary construction impacts, such as fugitive dust and combustion emissions from construction and grading activities, should be quantified and mitigation measures proposed.

- i. The project site may be located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to any earthmoving 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 District. 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. Please refer to the APCD web page at <http://www.slocleanair.org/business/asbestos.asp> for more information or contact the APCD Enforcement Division at 781-5912. The EIR should indicate that a plan will be developed to comply with the requirements listed in the Air Resources Board's Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations. The EIR should indicate that if naturally occurring asbestos is not present at the site an exemption request will need to be filed with the APCD.
- j. Mitigation measures to reduce or avoid significant air quality impacts should be recommended. The EIR should address any proposed off-site mitigation measures and describe feasible mitigation measures to reduce air quality impacts on-site. Offsite mitigation may be required in the event that emissions cannot be reduced below APCD specified thresholds.
- k. The location of all portable mining equipment must be reviewed as part of the environmental review process to ensure sensitive receptors are not impacted by the equipment.
- l. **The applicant should prepare a Construction Activity Management Plan (CAMP) and obtain APCD approval before the start of the project.**

4. Permit Stipulations/Conditions:

It is recommended that you refer to the 2009 version of the "CEQA Air Quality Handbook" (the Handbook). If you do not have a copy, it can be accessed on the APCD web page ([www.slocleanair.org](http://www.slocleanair.org)) in the Business Assistance section, listed under Regulations, or a hardcopy can be requested by contacting the APCD. The Handbook provides information on mitigating emissions which should be referenced in the EIR.

5. Alternatives:

Any alternatives described in the EIR should involve the same level of air quality analysis as described in section 3 listed above.

6. Reasonably Foreseeable Projects, Programs or Plans:

The 2009 version of the APCD's CEQA Air Quality Handbook provides guidance for preparing the EIR.

7. Relevant Information:

As mentioned earlier, the Handbook should be referenced in the EIR for determining the significance of impacts and level of mitigation recommended.

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/MAG/arr

cc: Mr. Chad Pankey, Owner  
Andy Mutziger, Planning Division, APCD  
Tim Fuhs, Enforcement Division, APCD  
Gary Willey, Engineering Division, APCD

Attachments:

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



**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 and/or Assessors Parcel Number	
City, State, Zip		City, State, Zip	
Email		Email	
Phone Number	Date Submitted	Agent	Phone Number

Check Applicable	DESCRIPTION (attach applicable required information)	APCD REQUIREMENT 1	APCD REQUIREMENT 2
	Project is subject to NOA requirements but NOT disturbing NOA	Geological Evaluation	Exemption Request Form
	Project is subject to NOA requirements and project is disturbing NOA – more than one acre	Geological Evaluation	Dust Control Measure Plan
	Project is subject to NOA requirements and project is disturbing NOA – one acre or less	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:	Intake Date:	Date Reviewed	OIS Site #	OIS Proj #
Invoice No.	Basic Fee	Additional Fees	Billable Hrs	Total Fees



**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 & Grading Project Exemption Request Form**

<b>Applicant Information/ Property Owner</b>		<b>Project Name</b>	
<b>Address</b>		<b>Project Address and /or Assessors Parcel Number</b>	
<b>City, State, Zip</b>		<b>City, State, Zip</b>	
<b>Email Address</b>		<b>Email Address</b>	
<b>Phone Number</b>	<b>Date Submitted</b>	<b>Agent</b>	<b>Phone Number</b>

The District may provide an exemption from Section 93105 of the California Code of Regulations - Asbestos Airborne Toxic Control Measure For Construction, Grading, Quarrying, And Surface Mining Operations for any property that has any portion of the area to be disturbed located in a geographic ultramafic rock unit; if a registered geologist has conducted a geologic evaluation of the property and determined that no serpentine or ultramafic rock is likely to be found in the area to be disturbed. Before an exemption can be granted, the owner/operator must provide a copy of a report detailing the geologic evaluation to the District for consideration. The District will approve or deny the exemption within 90 days. An outline of the required geological evaluation is provided in the District handout "**ASBESTOS AIRBORNE TOXIC CONTROL MEASURES FOR CONSTRUCTION, GRADING, QUARRYING, AND SURFACE MINING OPERATIONS – Geological Evaluation Requirements.**"

**NOTE: A basic exemption evaluation fee of \$165.00 will be charged.**

**APPLICANT MUST SIGN BELOW**

*I request the San Luis Obispo County Air Pollution Control District grant this project exemption from the requirements of the ATCM based on the attached geological evaluation.*

\_\_\_\_\_  
Legal Declaration/Authorized Signature

\_\_\_\_\_  
Date:

**OFFICE USE ONLY - APCD Required Element - Geological Evaluation**

<b>Intake Date:</b>	<b>APCD Staff:</b>	<b>OIS Site #:</b>	<b>OIS Project #:</b>
<b>Date Reviewed:</b>	<b>APCD Staff:</b>	<b>Approved</b>	<b>Not Approved</b>

**Comments:**