

Tenacious neighbors delayed quarry in Santa Margarita

Opposition from a well-informed, savvy group acting early in the process caused county to redo request for a consultant

Bob Cuddy, San Luis Obispo Tribune, 6-5-11

In what could be a preview of rural planning battles to come, a determined group of neighborhood opponents to a proposed North County quarry has managed to slow — although not kill — the project early on through a relentless, aggressive and well-researched attack.

“There has never been this level of interest in choosing a consultant,” said county senior planner John Nall. “Folks became a lot more informed. They grew to be very vocal.”

The project in question is the so-called Oster quarry, a proposed 60-acre hard rock and aggregate operation on a 260-acre parcel four miles east of Santa Margarita. The site would be located at 6660 Calf Canyon Highway — which is also Highway 58 — just east of the Salinas River bridge.

After moving the quarry through the planning process for more than two years and choosing a firm to conduct an environmental impact report, the county’s planning hierarchy stunned observers in April by pulling the already-signed offer to the firm picked to do the EIR.

The county blamed it on a “public perception problem.”

Rarely, if ever, has the opposition descended this fiercely — and effectively — at such a relatively early stage of a project. Generally, opponents come in after completion of the EIR — which reveals all the possible problems with the proposal and suggests ways to mitigate them.

In an effort to learn why the project stalled, however temporary the halt may be, The Tribune sought information through a Public Records Act request that yielded hundreds of pages of correspondence, as well as dozens of interviews with key players.

Some conclusions:

- There was neighborhood suspicion of the Planning Department’s objectivity almost from the get-go.
- While more than one local group opposed the quarry, it was a blurb on the website of Benchmark Resources, the firm originally chosen to conduct the EIR, that escalated some county planners’ worries about public perception. The blurb fed feelings that Benchmark was too close to developers.
- County Planning Director Jason Giffen and environmental coordinator Ellen Carroll made the decision to recirculate the request for firms to conduct the EIR, overruling their own planners, according to Nall.
- The developers, Las Pilitas Resources LLC, were blindsided by Giffen and Carroll’s move. Their attorney months earlier had described the process as “inexplicably lethargic” and reacted with anger to the new request for proposals.

- Although he followed the progress of the proposal, there is no evidence in the emails that the county supervisor of the district where the quarry would be located, Jim Patterson, attempted to influence the outcome. Patterson will be voting on the project if and when it gets through the planning process. He did not respond to a request for comment for this article.

Swift opposition

The quarry first slid onto the desks of the county bureaucracy in 2009 when the developer began the permitting process. Jeff Oliveira, the lead county planner for the quarry project, began contacting other agencies, laying out parameters, gathering data and raising questions — all the things a planner normally does.

It did not take long — a few months — for neighbors to attack his impartiality. In May 2010, John Beccia, president of a group called Santa Margarita Area Residents Together (SMART) — one of several quarry opponents — wrote to Carroll complaining that SMART had been intentionally dropped from a notification list, and that Oliveira might be behind it.

“No public servant should be allowed his or her personal views to interfere with their performance of the job. Mr. Oliveira has done just that,” he wrote.

This kind of attack on his professional integrity dogged Oliveira right up until the day he left county employ — April 22 — to start his own business, Oliveira Environmental Consultants. Oliveira’s change of career came at about the same time Carroll and Giffen overruled him on the Benchmark contract. But Oliveira said the timing was coincidental.

Oliveira adds that he met with project opponents several times and denies any bias. The quarry slogged forward through the county process until, in December, planners chose Benchmark to conduct the EIR.

Smoking gun or cap pistol?

This is when opponents discovered what they believe was a smoking gun on the Benchmark website.

An opposition group called Santa Margarita Proud said there was a notice on the company’s website about a speech given by Bruce Steubing, Benchmark’s principal and vice president.

The presentation was entitled “Obtaining Permits and Approvals with Entrenched Project Opposition.” His audience was the California Construction and Industrial Materials Association. Roy Reeves of Santa Margarita Proud said the speech was evidence that Benchmark was “a mining industry consultant, and we don’t think we will get a fair product.” They asked that Benchmark not conduct the EIR.

Oliveira grew exasperated when this subject came up during a telephone interview last week with The Tribune. “It was my job to vet that firm, and we did it very well.”

As to allegations of Benchmark’s bias, Oliveira said he checked references and “everybody said no” when asked if the firm was biased.

Oliveira read the speech and found it far from sinister. “It was a pretty good speech,” he said. It told would-be miners to work with opponents and be thoroughly familiar with the logistical and bureaucratic hoops they were going to have to jump through.

As to Benchmark's expertise in dealing with mining proposals, Oliveira, Benchmark and Las Pilitas Resources LLC consider it a strength in the same way you would want someone with expertise in cleaning up oil spills to clean up one on your street.

Oliveira may have looked at Santa Margarita Proud's smoking gun and seen instead a toy pistol. But the group persisted.

They were heard at the highest levels of local government, when Giffen and Carroll acted. On April 22, Patterson told Santa Margarita Proud that "the environmental coordinator and planning department have decided to re-issue the request for proposals in order to get a broader range of proposals from interested consultants."

The reason given: "A public perception problem."

NIMBY on steroids

Nall conceded that there is often opposition to a proposal from neighbors who think it will affect them negatively. It is so commonplace that it has even picked up an acronym describing the attitudes of neighborhoods that oppose a project: NIMBY — not in my back yard.

Residents of San Luis Obispo County are no strangers to this dynamic, with such vivid examples as the Los Osos sewer project, Santa Margarita Ranch and the North Coast viewshed ordinance, among many others.

But this was different, Nall said. Opponents were dogged and educated. They knew about planning and the law. There was a level of sophistication that is not always there.

Charles Kleemann, an opponent who deluged the county with scores of relentless emails objecting to this or seeking information about that, said the community is merely exercising its right "to express concerns and bring to light inaccuracies and deficiencies that exist in that application, as well as potential negative impacts."

He agreed that his group consists of "educated and informed people."

Part of the goal, he said, is to not let the process roll inexorably forward to such a degree that opponents just quit, out of battle fatigue.

"Many members of the public become frustrated and give up trying to participate in the process because they don't know how to be heard and don't understand the process," he wrote in an email.

Kleemann and his cohorts have succeeded in prompting the county to send out a new request for EIR proposals.

What happens next?

The county is reviewing all five new proposals, including one from Benchmark. It will recommend one of them to the Board of Supervisors, possibly this month.

What does that portend for Kleemann and other opponents?

They will stay involved, he said. "Our objective and hope is for a thorough and unbiased process and evaluation. The proposal is problematic."

While opponents continue to hunker down against the quarry, the developers are recovering from what they consider a sneak attack.

In a note to supervisors obtained by The Tribune, Ken Johnston of the Las Pilitas Resources LLC said he and his attorney met with Nall and Giffen on April 20 expecting to meet with Oliveira's replacement.

Instead, he wrote, they learned about the "public perception problem" and the new requests for proposals. He said it would set them back six to 10 months.

Sophie Treder, an attorney hired by Las Pilitas Resources LLC, fired off an angry letter to the county, accusing it of rebidding the contract "in order to respond to the neighbors' speculation and gossip."

She said the project had gone through "an excruciating, sluggish, and, at times, stagnant process," and hinted at litigation.