



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

August 31, 2009

Vivian & Barry Branin
P.O. Box 540
Morro Bay, CA 93442

County Of San Luis Obispo
Department Of Public Works
Attn: John Waddell
INTEROFFICE

SUBJECT: APPEAL OF DRC2008-00103 – COUNTY OF SLO - LOWWP
HEARING DATE: August 13, 2009 / PLANNING COMMISSION

We have received your request on the above referenced matter. In accordance with County Real Property Division Ordinance Section 21.04.020, Land Use Ordinance Section 22.70.050, and the County Coastal Zone Land Use Ordinance 23.01.043, the matter has been scheduled for public hearing before the Board of Supervisors. A copy of the appeal is attached.

The public hearing will be held in the Board of Supervisors' Chambers, County Government Center, 1055 Monterey Street, Room D170, San Luis Obispo. The project has a hearing date of **Tuesday, September 29, 2009**. All items are advertised for 9:00 a.m. If you have any questions, you may contact your Project Manager, **Murry Wilson**. A public notice will be sent out and you will receive a copy of the notice.

Please feel free to telephone me at 781- 5718 if you have any questions.

Sincerely,

Nicole Retana,
County Planning and Building Department

CC: Murry Wilson, Project Manager
Jim Orton, County Counsel

#1783

SLO COUNTY
PLANNING/BUILDING
DEPT
7/01/09

COASTAL appeal form

San Luis Obispo County Department of Planning and Building

Please Note: An appeal should be filed by an aggrieved person or the applicant at each stage in the process if they are still unsatisfied by the last action.

PROJECT INFORMATION Name: LOS OSOS WASTEWATER PR File Number: DRC 208 00 103

Type of permit being appealed:

- Plot Plan
- Site Plan
- Minor Use Permit
- Development Plan/Conditional Use Permit
- Variance
- Land Division
- Lot Line Adjustment
- Other: _____

COASTAL DEVELOPMENT PERMIT

The decision was made by:

- Planning Director (Staff)
- Building Official
- Planning Department Hearing
- Subdivision Review Board
- Planning Commission
- Other _____

Date the application was acted on: _____

The decision is appealed to:

- Board of Construction Appeals
- Board of Handicapped Access
- Planning Commission
- Board of Supervisors

BASIS FOR APPEAL

State the basis of the appeal. Clearly state the reasons for the appeal. In the case of a Construction Code Appeal, note specific code name and sections disputed). (Attach additional sheets if necessary)

SEE ATTACHED DOCUMENT

List any conditions that are being appealed and give reasons why you think it should be modified or removed.

Condition Number _____ Reason for appeal (attach additional sheets if necessary)

APPELLANT INFORMATION

Print name: VIVIAN & BARRY BRAVIN
 Address: P.O. Box 540 MORRO BAY, CA 93442
 Phone Number (daytime): 714-920-9226 / 805-771-9310

We have completed this form accurately and declare all statements made here are true.

[Signature]
Signature

Aug 21 09
Date

OFFICE USE ONLY

Date Received: 8/27/09
 Amount Paid: 0

By: Chris Macek, Secretary
 Receipt No. (if applicable): N/A

SLO CNTY
PLANNING/BUILDING
DEPT
2009 AUG 27 AM 11:16

To: San Luis Obispo County Board of Supervisors: Bruce Gibson, Frank Mecham, Adam Hill, K.H. Achadjian, and James Patterson.

Subject: Appeal of the decision of the County Planning Commission to relocate the plant site for the Los Osos Sewer Wastewater facility from the Designed location to the Giacomazzi property.

The Los Osos sewer project (File No. DRC 208 00 103) that is being submitted to you is not what was covered by the EIR that was developed by the County Public Works department. The Planning Commission's "design" was developed in their meetings "on the fly" and has not been reviewed by qualified engineers so that all of the aspects of design, construction and, mitigation problems could be properly considered.

During the Planning Commission meetings the Commissioners tried to redesign a complex project without careful review of the unintended consequences of their various assumptions. These assumptions covered possible locations to send the treated wastewater, but they failed to consider any problems of fugitive odors from the plant or proximity to Environmentally Sensitive Resources Areas. The Commission had input from the public and various agencies but it was clear that they were only trying to support a plan that some of the Commissioners had already decided upon. They were trying change the design to fit what they wanted.

The fact that the Commissioners could move the entire plant facility and then assume that everything would fit and work is absurd. It sets a precedent of having an applicant submit a project designed for one location, such as a house or a commercial building, and then having the Planning Commission relocate and redesign it for you. They should review and recommend but not relocate. The blatant disrespect of the rights of any applicant, be it County Staff or individual, was amazing to observe.

I will not go into all of the specifics of the problems with the location and design because I know that you will have an opportunity to respond to them via the appeal from other affected citizens.

There are however some major problems caused by locating the sewer plant on the Giacomazzi property.

1. **Substandard lot;** The plan is to take only a part of the Giacomazzi property by creating two substandard parcels. This area has an established minimum lot size. If the original design at the Tonini Property had used this approach, and only taken out a 60 acre parcel from the 634 acres, the acquisition cost would have been much less than buying the entire parcel.

2. **Environmentally Sensitive Resource Area;** At the northeast corner of the Giacomazzi property is a Sensitive Resource Area of the Warden Lake watershed. When the plant is squeezed onto the 38 acres there is not enough room for a buffer zone to properly protect the SRA. The potential for a spill of sewage into the largest fresh water lake in the valley is very real. Warden creek flows directly into Morro Bay. No private developer could locate a similar project anywhere near a lake and wildlife habitat. A double standard for this project should not be allowed as it defeats the whole purpose of the exercise, which is to protect the Morro Bay Estuary.

3. **Proximity to Residential dwellings:** The Giacomazzi location will put the plant very close to residential dwellings. No measures were incorporated in the Planning Commissions design to mitigate the damage and future problems. Many of the adjacent property owners are people who will have the value of their home trashed. This is their largest asset and now they will be unable to sell at any price and so they can move to a retirement facility. They will have to endure the smell, lights and noise and they have had no voice on the decision.

4. **Cultural Resources ignored:** The Giacomazzi location is next to the Los Osos Valley Cemetery which is a sacred burial place for many Pioneers and loved ones of residents of the valley. It is also the largest Veterans Cemetery in San Luis Obispo County with over 1100 soldiers, sailors, marines and airmen buried there. To consider a location for a sewer plant next to the graves of those who have served this nation displays a level of disrespect that is shameful.

I respectfully request that you overturn the decision of the Planning Commission and return the project to the applicant. The Public Works Department has had a lot of new input during the process. The Coastal Commission has submitted their recommendations as well as Court's requirements to return the treated waste water into the aquifer.

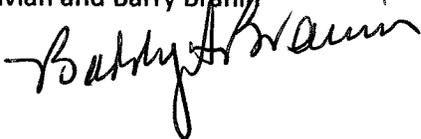
The Public Works Department can incorporate the following changes;

1. Design a plant and storage pond on only a portion of the Tonini property away from any Sensitive Resource Area.
2. Allow a lot split on the Tonini property to take only the amount of property needed for the sewer plant.
3. Incorporate all of the requirements of the Coastal Commission which were not known during the initial design stages.
4. Establish contracts with the Agricultural Community to reuse any treated wastewater.
5. Design a plant with Tertiary treatment that will meet the standards necessary for Ag reuse.
6. Develop the plan for the infrastructure of "Purple Pipe" which will put the treated wastewater back into the aquifer.
7. Establish a contract for the disposal of tons of Biosolids which will emanate from the plant that are not suitable for dumping into the Coal Canyon Landfill.

It is vital that the design and location of this much needed facility be done in a professional manner. The long term impact of making a colossal mistake would be devastating.

Sincerely

Vivian and Barry Branin



MEMORANDUM

DATE: August 31, 2009
TO: JIM ORTON, COUNTY COUNSEL
FROM: NICOLE RETANA, PLANNING
RE: APPEAL OF PLANNING COMMISSION
COUNTY OF SAN LUIS OBISPO – LOWWP – DRC2008-00103

Please find attached copies of associated correspondence which have been forwarded to the Project Manager and Supervising Planner