

SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

August 31, 2009

Bruce Corelitz  
1920 Tapidero Ave  
Los Osos, CA 93402

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



August 27, 2009

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

From: Los Osos Valley residents

Re: Appeal to not put the Los Osos sewer on Giacomazzi property; case file DRC 208 00 103

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The Los Osos sewer project that is before you now (File No. DRC 208 00 103) is the result of significant modifications done by the Planning Commission. The project that the Planning Commissioners modified was previously adopted and endorsed by the County Public Works Department, and was identified as the preferred project in the Final Environmental Impact Report (FEIR) for the Los Osos Wastewater Treatment Project. We object to the Planning Commissioners having changed the project.

We use this appeals process to formally state that we object to the Planning Commission's plan to move the sewer from the Tonini property to the Giacomazzi property, as it carries with it numerous impacts that were not described or were inaccurately described in the FEIR. In contrast, we favored the Public Works and FEIR sewer project at the Tonini site with its significantly reduced impacts, and wrote to you on that in a previous letter, submitted on April 20, 2009 (see attachment with signatures). This was just prior to the Planning Commission's project hearings

We take this opportunity to once again voice the inadequacies of the Giacomazzi site for the sewer, our opposition to a sewer at that location, and reasons. In your Board of Supervisor's review process, we hope that you do not, for simplicity reasons, re-use some of the same criteria that the Planning Commissioners used to base their decisions favoring the Giacomazzi site over others, as we feel the criteria they used were flawed from skewed information. The following are supporting examples:

1. By any standards, it was very misleading to say to the public (and we heard it many times from the Planning Commissioners) that the sewer at Tonini is inadequate for a sewer because it is not in the basin. This has been a very misleading statement to the public, coercing the public to believe in incorrect information, because it is well known that the wastewater is to be pumped back into town. On this basis, the sewer can really go anywhere, and nobody should be fooled into thinking that the only way a sewer can pump its wastewater back into town is to have it close by. In fact, by using this argument, the sewer should go back to the Tri-W mid-town site.
2. The public has also been misled and convinced by certain leaders in the community by them incorrectly saying the Tonini project is not an appropriate sewer project because with its spray fields it will rob Los Osos of its groundwater. This is a skewed argument against Tonini. Yes, spray fields will 'lose' water to evaporation, but it must be recognized that there are existing equivalent 'losses' of water to the aquifer from septic discharges that flow laterally to the bay and not down into the aquifer. The septic discharges that are lost to the bay are estimated to be similar in volume to what would be lost from spray field disposal. On this basis and at plant start-up, the Tonini project, without any water conservation plans or water reuse programs, will mitigate itself, in returning wastewater back to the aquifer via the Broderson discharge site. The Broderson site will recharge the aquifer at equivalent rates and volumes as the septic discharges that are currently able to reach the underlying aquifer. All of this is explained in the project's FEIR, and public works staff and engineers have also explained this in hearings.

However, all of this has been to no avail, because certain community leaders now have much of the public convinced the Tonini project is not an adequate sewer because it will never be able to return all the water back to Los Osos.

3. We understand that a large reason why the Planning Commissioners abandoned the Tonini site in favor of the Giacomazzi site for the sewer was/is to put the component of wastewater reuse in the project as a means to eliminate the need for spray fields. This is a good thing, but not an original idea, as it was/is in the Tonini plan too. On this basis, the sewer doesn't need to be redesigned and relocated, as what the Planning Commissioners propose.
4. The Planning Commissioner's sewer plan is based on the assumption that everybody will want the wastewater for reuse, that everybody will want it all the time, and that everybody will take as much treated wastewater that can be provided all the time. These are all very dangerous assumptions that have not been validated, and they actually have a greater possibility of being false than true. Please acknowledge that there is/will be no guarantee from anybody in town or out of town to take the wastewater for reuse all the time or at only crucial periods. Consequently, spray fields should be brought back into the project, at least for backup discharge. Accordingly, the Tonini site should be used for the sewer, as it has the land for spray fields and for wastewater reuse on ag land.
5. The term 'spray fields' has also been misused by those not favoring the Tonini site. There are many reasons that the Tonini site could be used for agriculture and sustaining itself using wastewater. Thus, spray fields are not fully necessary. In using the wastewater for ag purposes, the treated wastewater would be applied at irrigation rates that are specific for the intended crops. This is the same water reuse program that would be proposed to local farmers in exchange for their groundwater.
6. With the Planning Commissioner's new sewer plan before you, all wastewater discharges will have to rely on the Broderson site in combination with wastewater reuse programs and agreements. We know that you are well aware that there have always been questions on how much waste discharge the Broderson site will actually be able to handle, and there are/will be no guarantees on how much wastewater people will use. On this basis, it would be ludicrous to build a sewer plant with a shortage of discharge areas. This is why spray fields (and storage ponds) need to be in the project for backup and why the Tonini site needs to be brought back into the picture. Note that there will be large opposition to spray fields (and storage ponds) on or next to the cemetery and Robbin's properties.
7. Along this line, we never heard or read in the new sewer plan where storage ponds are to fit in with the project. Storage ponds will be needed for wet winter storage (yes/no?). Why did the Planning Commissioners not specify in the new sewer plan where storage ponds will go when discussing taking spray fields off the table? Is the new plan to have all the wastewater reused and discharged at the Broderson site so that storage ponds will never be necessary? Saying 'never' is always risky. In contrast, storage ponds may likely be necessary at various times. So, were storage ponds to be included later on the cemetery property and the Andre and Robbins properties after the sewer was built on Giacomazzi? Please remember that storage ponds on the cemetery and neighboring properties will raise problems, as those lands are not for sale. On this basis, the Tonini site should be brought back for advanced planning of storage ponds, and the land is for sale.

8. The volumes of wastewater that people talk about at hearings that will be reused by the farming community and others have been over-exaggerated, and any cooperation and commitment from farmers and large water users in this type of program has yet to be confirmed. In fact, we have informally heard from several farmers that they will not take any water unless they are paid to take it. Besides, using wastewater for irrigation still does not fully address water recharge. –And, farmers may not relinquish their water rights for others to take their well water to use in Los Osos. In other words, an ag-exchange water program may not be successful as some people would like to believe.
9. While the wastewater will be tertiary treated and thus sterilized, it could be laden with potentially high concentrations of harmful pharmaceuticals that are not taken out with the treatment. There are still many negative connotations on buying food products watered with wastewater, so there are always risks to the grower, buyer, distributor, and consumer. Any farmer who is negatively impacted from having used wastewater will want to sever its ag-exchange water contract. Large, irreversible impacts to a farming business could result if the soils become permanently damaged from contaminated wastewater (e.g. high salt concentrations, pharmaceuticals).
10. Farmers will not need the wastewater during winter. Again, this calls for spray fields and storage ponds for backup discharge. The Giacomazzi site does not have enough land for all of this, but the Tonini site does.
11. Also, there are no design plans in existence for delivering the treated wastewater to farmers. For example, there are no the easements and right of ways already secured to cross underneath private lands to provide wastewater to farmers. Also, would holding ponds and new pressure systems be needed at the farm sites? Who would pay for this additional infrastructure and engineering?
12. The Tonini site wasn't getting that much public opposition, so we are perplexed on why the Planning Commissioners eliminated the Tonini site for the sewer. In the past, we felt that if the people in Los Osos did not want the sewer in their backyard that they should not put their sewer in their next door neighbor's backyard. They should be reasonable and responsible to pipe their sewage a little further out of town. We believe the people in town were coming around to this thinking, as the Tonini project wasn't getting that much opposition. In fact, the Tonini project had the majority of public acceptance (evidenced by the community survey), and the EIR identified Tonini as the preferred project and overall solution. Bring Tonini back for the sewer.
13. We heard that the Tonini property, because of its Williamson Act contract, cannot be used for any purpose other than farming; the only way it could be used for a sewer is if there are no other options. However, we believe the State of California with San Luis Obispo County has the ability and power to withdraw the property from the contract, based on 'extenuating circumstances' for overall public benefit and not for personal benefit. In other words, the Tonini site was selected through FEIR process as being the most suitable site for the sewer, because it represents the best overall solution given the entirety of social and environmental impacts that would be otherwise associated with alternative sites for this project. It also provides wastewater holding and discharge capabilities on-site in the event water reuse programs fail and the Broderon site reaches discharge limits. –But, the majority of the property could still remain in agriculture. In addition, the sewer dilemma has been going on for the past 30 years,

and culminated in the Tonini site being the preferred sewer site through the California Environmental Quality Assurance Act (CEQA) process.

14. An argument that we've heard favoring the sewer moving from the Tonini site to the Giacomazzi site is that the Giacomazzi site is less valuable, in terms of agricultural land. While the soil type might be only partially inferior to the Tonini soils, the land could be as highly productive as Tonini if it was managed to do so. But, Mr. John Giacomazzi has not chosen to. Also bear in mind that crops recently and currently grown on the Tonini property are not high value crops (e.g. hays, garbonzo beans). On this basis, the past and current status of Tonini as pristine agricultural land should not be exaggerated over what could be accomplished on Giacomazzi property.
15. We also believe that developing the sewer at the Giacomazzi site represents a conflict with existing land use policies. In existing policies, land cannot be subdivided into lots smaller than adjacent parcels, but this is what is proposed for the Giacomazzi site. This is to reduce the amount of land needing to be purchased for the sewer. The level land would be purchased and the more sloped land would be left to Mr. John Giacomazzi. This breaks parcel-size policy standards for our area and enforcement of those standards.
16. If the Giacomazzi site can be subdivided for the sewer, then why can't the Tonini property be subdivided for the sewer (if spray fields and storage ponds are not needed)? There have been no discussions on this, and it could make withdrawing the Tonini property from the Williamson Act contract more feasible and attractive (leave the greatest area to continued farming).
17. There are people (vocal minority) who agreed with and supported the Planning Commissioner's new sewer project, in speaking that the Giacomazzi site is better for the sewer than the Tonini site. However, it is those same people who wanted a community survey to decide where the sewer should go. The community survey was done, and it favored the Tonini site over the Giacomazzi site. All of this demonstrates the majority of the community favors the Tonini site and a vocal minority favors the Giacomazzi site. On this basis, the Tonini land should be the site for the sewer.
18. The Morro Bay National Estuary Program Director spoke during public comment favoring the Tonini site over the Giacomazzi site, due to its greater distance from the estuary.
19. Another very perplexing point is the manner in which the Planning Commissioner's decided to take Tonini off the table, as several commissioners stated that Tonini had to be taken off the table because there was no choice, due to extenuating circumstances (unknown to us). What is suspicious about this is if Tonini had to be off the table because there was no choice, then why did the Planning Commissioners need to vote on it? By voting makes it very clear that Tonini, in fact, did not have to be taken off the table for insurmountable reasons and be left unexplained.
20. There are other suspicions in the community that this project is being steered by a small number of people and deciders using selective reasoning for the purpose of selective benefit and outcomes, and not using public reasoning for overall public benefit. Put the sewer project back at Tonini where there was public acceptance or put it back at Tri-W where there was also a great deal of public acceptance.
21. The Tri-W project for the sewer was not as unpopular as all might believe. Measure-B to stop that project and to move the sewer out of town won by only 19 votes. But also know that it was

the move-the-sewer consortium in Los Osos who created Measure-B, and who constructed the measure so that it included certain voters and excluded others. This skewed the voting population to favor Measure-B. Here are reasons why the vote was skewed: 1) it included renters, a population as a group that will always favor to delay a sewer project simply so sewer costs will not be passed down to them in rental fees; 2) it excluded home and property owners who did not live in Los Osos, those who should have been given a right to vote because it dealt with the fate of their own property; and 3) it excluded us who live out of town and would be affected by a sewer moving into our area. Bottom line: If all us who were excluded from voting on Measure-B could have voted, Measure-B would not have won, and the sewer would be built by now at Tri-W, and it would not have gone to the Planning Commission to change its design and location and now for you to accept or reject the Commission's sewer plan or to start over and come up with another plan.

22. Measure-B has since been determined to be illegal in two court systems. However, it has been appealed, so presently Measure-B can be interpreted as being neither legal nor illegal. On this basis, Measure-B should be treated as if it never existed. For this reason alone, the sewer should simply default back to Tri-W. How else can one resolve this paradox? But, by allowing the sewer to be moved out of town, the Planning Commission essentially bypassed the court system and took the law and court system process into their own hands, treated Measure-B as being legal, and moved the sewer out of town. This is not justice.
23. Another very perplexing point is if a community could build their sewer anywhere, one would think that the community would build their sewer somewhere other than over their own water basin. Also, if the sewer location had viable groundwater underneath, then the water could be withdrawn from the other basin, and not from their own basin. The Tonini site solves all of this, because it is not over the Los Osos basin. In contrast, the Giacomazzi site is over the basin.
24. All the reasons to put the sewer at Giacomazzi are the same reasons why the sewer should go back to Tri-W. In fact, that would put the solution of groundwater recharge and water reuse distribution infrastructure directly over the salt water intrusion problem, versus trying to solve the salt water intrusion problem from some remote location in Los Osos Valley.
25. Overall, the Planning Commission's plan for the sewer still has the majority of its design components in the conceptual stage. In contrast, the Tonini project is a project that is significantly closer to being shovel-ready.
26. During a Planning Commission meeting break, Chairwoman Sarah Christie said directly to Mr. Scott Kimura (co-author of this letter): "Yeah, you guys are getting the worst from all this, but there is nothing that can be done about it." This gives some comfort in that she understands our position, but at the same time it is very discomfoting to know that we are being made to suffer the most when we are not the major cause of the problem. We do not feel this is good County politics and planning ethics to saddle the innocent with the dilemma of others, and is certainly not something to be proud of coming from our County decision-makers.
27. One major knowledge gap remaining in the whole matter of sewer site selection and sewer design is whether the original Tri-W plant would have been able to reduce nitrates. We remind all that the Regional Water Quality Control Board (RWQCB) would not permit the original Tri-W sewer, simply because of the lack of data that demonstrated whether or not a sewer plant of the original Tri-W design would/could reduce nitrates. (Also remember the original Tri-W plant had wide community acceptance.) However, when the RWQCB announced they would not

permit the original Tri-W plant, the treatment plant was then modified to the same design of other sewer plants known to reduce nitrates. This modified sewer plant at Tri-W was the one being built in town before construction was stopped. The modified Tri-W plant, however, did not receive wide public acceptance, due to the design change, shift in site uses (public facilities and amenities), and increased cost. These are the main reasons why the project was stopped and efforts done to move it out of town. People believed a sewer plant out of town would not need the additional features to reduce odors.

In retrospect, one simple test that could have been done and should have been done for the original Tri-W project was to contract with 4-5 sewer treatment plants of the same design for additional water quality sampling, mainly to determine if they reduced nitrates. We don't know if this has been done. Comparison tests of nitrate concentrations between the sewer plant intake and discharge would reveal whether or not nitrates are reduced at the treatment site. This should be done before any more discussions continue on where the Los Osos sewer plant should go and what is the appropriate design. If these comparison tests show nitrate reductions, then the sewer plant can go back to the Tri-W site and be built according to the original Tri-W design that was accepted by the community.

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If the above nitrate tests fail, the Tonini and Tri-W sites are still rejected, and the sewer must go onto Giacomazzi property, the only way that we will accept a sewer at the Giacomazzi site is if it has adequate mitigation to reduce impacts.

For background, in 2008 Supervisor Bruce Gibson and Mr. Paavo Ogren visited us for a neighborhood meeting. The purpose of the meeting was to discuss what preferences that we who live outside of Los Osos and in Los Osos Valley would want for a sewer likely moving out our way and into Los Osos Valley. This meeting was the result of the Tri-W project being stopped with associated efforts to move the sewer out of town (via Measure-B). While we were very appreciative of Supervisor Gibson and Mr. Ogren taking time to visit us, we had no constructive discussions on this matter, as we said that we were not in favor of any sewer at any location outside of town in Los Osos Valley.

Time ensued and the California Environmental Quality Act (CEQA) and Environmental Impact Report process selected the Tonini site in Los Osos Valley as the preferred location for the sewer. While we objected to a sewer in Los Osos Valley, the Tonini site represented a good compromise and appropriate mitigation from our view point, because it was sufficiently distant from neighborhoods (and the cemetery). We found out later from Michael Brandman Associates (preparer of the Los Osos Wastewater Project FEIR) that the Tonini selection was based on many reasons that did not really include any of our concerns. It was based on other reasons. However, the San Luis Obispo County Planning Commissioners soon changed the project, and moved the sewer to the Giacomazzi property behind the cemetery and proximate to our homes, which now has us very concerned.

On August 12, 2009 the Telegram Tribune published an article saying the Planning Commission will soon make their final decision to move the sewer to the Giacomazzi property from the Tonini property. The newspaper article also mentioned that mitigation would need to be worked out with home owners neighboring the Giacomazzi site in order to reduce impacts from the sewer. At the August 13 Planning Commission meeting, Chairwoman Sarah Christie reiterated the



same newspaper statements pointing out that compromises and mitigation would be needed and worked out with neighbors to minimize sewer impacts.

With that said and should the sewer be built on Giacomazzi property, we who would be neighbors to the new sewer project present what would be the only appropriate mitigation to reduce impacts to us. We will only accept a Tri-W plant, which is combined with a step-steg collection system. This is to reduce odor impacts, pipe leakage, and the amount of sewage needing to be delivered and processed at the site. Other conditions related to mitigation and reasons follow:

1. The sewer on Giacomazzi property must be of identical construction and design as the Tri-W sewer that was being built in town. We would want buildings to enclose the treatment facility (and ponds), including all of the associated state-of-the art engineering features. This is to help ensure that odor impacts will be reduced to the best extent that is technologically feasible.

Odor impacts from a sewer in our area will be a certainty unless avoidance measures are taken. The wind does not always blow inshore, as what many people believe. Every evening as the air cools it becomes denser, sinks, and reverses direction in the low-lying areas of Los Osos Valley. This wind pattern each evening and morning will carry with it sewer odors to the nearby neighborhoods. Only a Tri-W sewer plant with state-of-the art treatment and odor containment will provide assurance that impacts from the Giacomazzi sewer will be reduced to the best extent that is technologically achievable.

2. We also demand that the sewage collection system be the step-steg system. Having welded pipe joints and seams, versus bell and spigot pressed joints, will reduce the chance of leakage. Most importantly, it will eliminate the need for sludge treatment at the Giacomazzi site and the transport of sludge from the site on a semi-daily frequency basis. This minimizes the amount of sewage processing and order impacts, including potential traffic impacts from sludge hauling.
3. We insist that we be compensated for inevitable losses in property values with a sewer being constructed in our area. A sewer with its potential impacts from odors, traffic, lighting, noise, and growth will always have to be disclosed in real estate transactions. This will always negatively affect our property values in our area. Many real estate transactions, past and ongoing, in our area include buyer awareness disclosures that odors from farming are present in our area. New impacts from a sewer plant close by will have to be added to disclosure lists in real estate transactions.

One option to help offset inevitable impacts to property values from the sewer plant would be to eliminate our property taxes or provide compensation payment. Such a program could be evaluated for adequacy at various frequencies, which would be based on trends in property values in our neighborhood compared to patterns and trends of property values and sales in areas not affected by a sewer plant. The evaluations would also include total numbers of odor, noise, and traffic complaints issued to the County from people surrounding the Giacomazzi sewer.

4. We also demand that the treatment facility have conditions that it cannot not be expanded later to increase its capacity and provide service beyond what is built at start-up.
5. We demand that other public and private services not be allowed to be constructed and operated at the Giacomazzi site. This includes recycling centers and dump sites that handle hazardous wastes, discarded televisions, old paints, etc., and auto wrecking yards. Such a

combined-use facility occurs at the Morro Bay sewage treatment plant where the sewer site is also where hazardous wastes are received and processed. We don't want that type of multiple use facility behind the cemetery.

6. Should a sewer be built on Giacomazzi property, and in anticipation that a Tri-W sewer would be built, we also insist that community parks also be included, as those were to be included in the Tri-W sewer at the mid-town site. This is to: 1) provide the same public benefit in the form of a park that was to be provided with the Tri-W mid-town project; and 2) ensure the area immediately surrounding the sewer is maintained in perpetuity. The park should be designed for dog parks and equestrian trails only. Public restrooms and garbage maintenance would need to be included. Soccer and baseball fields should be definitely excluded, as they are not compatible with the rural setting of our area. The exclusion of soccer and baseball fields also minimizes the traffic volumes, noise, and night lighting impacts that would occur otherwise.
7. As with many, we insist the treatment facility include solar power at start-up or as close to start-up as possible to help operate the facility. Federal stimulus money is available for 'green' projects, and should be pursued.
8. The cost of the Tri-W type sewer at the Giacomazzi site, its step-steg collection system, solar power, and amenities, will probably surpass the cost of building and operating the same plant at the mid-town site, but it provides the mitigation that anybody would want, no matter where it is located, including the Tonini site. If this is not acceptable, the sewer should be moved back to the Tri-W mid-town site.



Bruce Corelitz, Scott Kimura  
Speaking for the Bear Valley Land Stewardship Alliance

Attachments: Letter and signatures to the Planning Commission, Board of Supervisors, and Public Works Dept.

cc: Public Works Dept: Paavo Ogren, Mark Hutchinson, John Waddell

To: San Luis Obispo County Planning Commissioners  
From: Bear Valley Land Stewardship Alliance  
Date: April 20, 2009  
Re: Comments on the Los Osos Wastewater Project Final Environmental Impact Report

Dear Planning Commissioners:

We, property owners and residences in Los Osos Valley, support the Los Osos Wastewater Project Final Environmental Impact Report (FEIR). Mainly, we favor the Tonini property as the location to site and operate the Los Osos sewer treatment facility, storage ponds, and spray fields (preferred alternative in the FEIR). Our supporting signatures are attached along with a previous letter to the County supporting the same project that was described in the Draft EIR. We hope that you as Planning Commissioners also agree with the FEIR decisions and rationale.

Our support comes with both grief and relief. We live close to the edge of town where a number of sites nearby were considered for the sewer (cemetery, Giacomazzi, Branin, Gorby, Andre, Robbins, others). For geographic reference, the Tonini site is furthest from us.

For background on our grief, we are the 'new' people having to contend with the Los Osos sewer dilemma. We, outside of town, were never part of the Los Osos sewer and its issues. However, Measure B, a vote by only the people within boundaries of the Los Osos Community Services District (LOCSD), was the mechanism that stopped the mid-town sewer project, and was the catalyst to move the Los Osos sewer out of town somewhere in our area. Measure B passed by only 19 votes. We, outside of town, could not vote on Measure B. Measure B, however, was soon determined to be illegal in two court systems. –But, what is transpiring now is how an illegal measure can accomplish its original goal in moving a sewer out of town and involving another set of people and properties that were not part of the reason for the sewer in the first place.

Our other concern that we have expressed to the LOCSD, Technical Advisory Committee, and County during the process of evaluating out-of-town sites for the sewer is the potential for odor impacts to us edge-of-town home and land owners. We explained that the physical setting where we live at the edge of town (west terminus end of Los Osos Valley) is a unique location where odor impacts could definitely arise and become significant if they are not fully controlled or contained at the sewer facility. While the EIR points out that the prevailing winds are directed onshore (generally away from us), the winds, in fact, reverse nearly every evening as the inland air cools. Consequently, we at the edge of town would be exposed to odor impacts on a frequent basis.

The wind pattern in Los Osos Valley is largely locally driven by the sun. As the inland air cools during the late afternoon/early evening it begins to settle, due to becoming denser. The inland settling air mass pushes air in Los Osos Valley in an offshore westerly direction, resulting in a wind reversal each evening (slight offshore swirling breeze). The increase in land elevation at the terminus west end of Los Osos Valley functions as a wall block and creates a sink trap of the cooler denser air. This air could be laden with sewer odors, particularly from a sewer facility located nearby on the cemetery, Giacomazzi, and Branin properties or other properties close by. Hence, we favor the Tonini site for the sewer, due to its distance from us.

Even though the DEIR describes various methods to reduce odor impacts to levels less than significant (for all of the project options and locations), a sewer facility with storage ponds and disposal proximate to the edge of town would still negatively affect individual properties and neighborhoods over the long-term from the potential for odor impacts and the mere perception of odor impacts.

For background on our relief, the Tonini site is sufficiently east and far from the edge of town, which represents a greater distance for odors to diminish. This distance appears sufficient to eliminate the perception that odors from a facility at the Tonini site could become a significant impact to residences located to the west and closer to the edge of town.

As we look at next steps, on April 23 you will become engaged in many more discussions on the Los Osos wastewater project and FEIR. We wish that you do not open up opportunities to modify the project on where the sewer facility and its disposal components should be located, particularly in Los Osos Valley.

So, please support our position. After all, our position is consistent with the FEIR. We would like the FEIR and final project stand, as is, with respect to the Tonini site being the location for the sewer facility, storage ponds, and spray fields, should the sewer be constructed in Los Osos Valley.

In the Community Survey, we, in fact, indicated the mid-town Tri-W site as our first choice for the sewer location, as that is where the sewer was originally being constructed. Our choices in the Community Survey, however, were not analyzed separately from those inside of town. Our second choice in the Community Survey was the Tonini site. When considering all of the potential sites for a sewer in Los Osos Valley, we support the Tonini site, due to its lack of proximity to neighborhoods, public gathering places (churches, cemetery), and schools.

We are unified on this with the Los Osos Cemetery Corporation and other edge-of-town land owners whose properties were included as potential sites for the sewer. These other potentially affected land owners and businesses in Los Osos Valley, as us, have submitted letters to the County in support of the Tonini site as a Los Osos Valley

location for the sewer project (Keith M. Benit, CHAFFE McCALL, LLP letter code P60, Vivian and Barry Branin letter code P14 in the FEIR).

In closing, the people in the town of Los Osos voted with Measure B to move the sewer out of town, and then voted on AB2701 as the regulatory and political mechanism to accomplish this. In contrast, we were excluded from voting on any of these matters, and therefore we had no mechanism to counter those actions or provide input in planning for a sewer outside of town. Now that it appears the sewer will be constructed outside of town, we feel that those of us outside of town should be given the strongest public voice on where in our area the sewer should go and not go. Again, we support their FEIR in identifying the Tonini site as the preferred location for the sewer treatment facility, ponds, and spray fields should these facilities be built in Los Osos Valley.

Thank you for the opportunity to provide input.

Attachments:

Supporting signatures from Los Osos Valley residences and land owners

Letter response that appears in the FEIR from the Zumbrun Law Firm representing Los Osos Valley residences and land owners with regards to the Los Osos Wastewater Project

cc: County Board of Supervisors

Frank Mecham

Bruce Gibson

Adam Hill

K.H. "Katcho" Achadjian

James Patterson

County Public Works Department

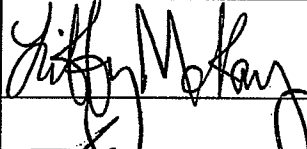
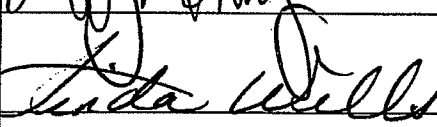
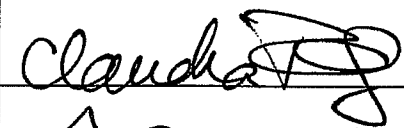

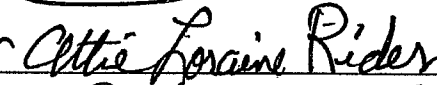
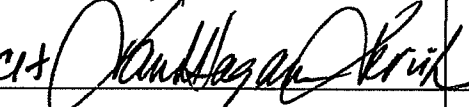

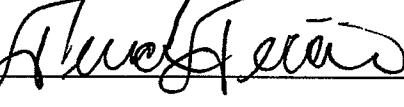
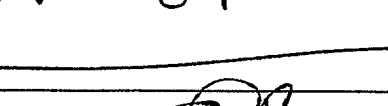
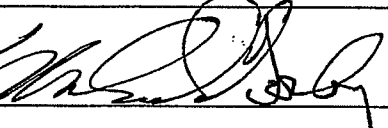
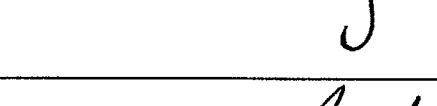
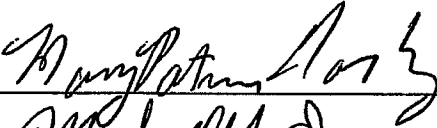

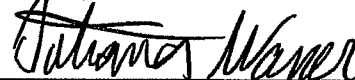
Paavo Ogren

John Waddell

Mark Hutchinson

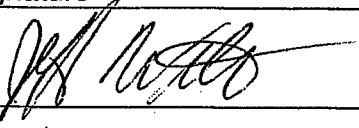
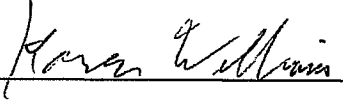

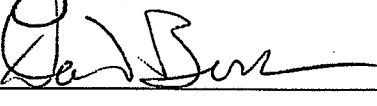
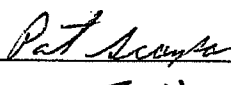
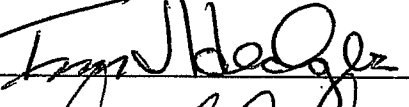
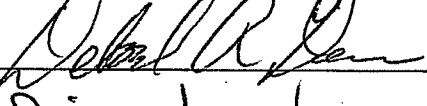
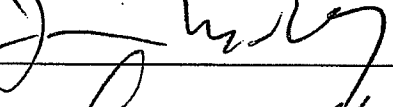
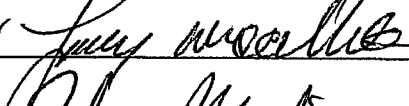
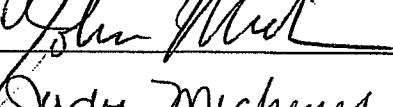
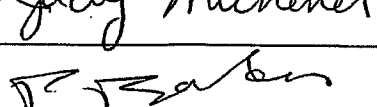
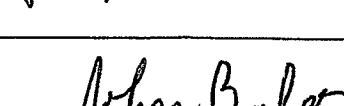
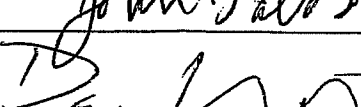
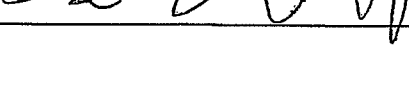
Signatures of Bear Valley Land Stewardship Alliance land owners and residences in Los Osos Valley supporting the Tonini site as the location for the Los Osos sewer treatment facility, storage ponds, and spray fields (Project 4), as described in the Los Osos Wastewater Project Final Environmental Impact Report

Submitted for the April 23, 2009 San Luis Obispo County Planning Commission Meeting

Printed Name	Signature	Address
Elizabeth McKay		2170 Lariat Dr. Los Osos, CA 93402
Linda Webb		Los Osos 93402 2180 Lariat Dr
Claudia Ferriday		2101 Lariat Dr. Los Osos CA 93402
Russ Ferriday		"
Attie Loraine Rider		1900 Tapadero Ave. Los Osos, CA 93402
JAN HAGAMAN - JERICHA		2191 LARIAT DR LOS OSOS, CA 93402
George Jerich		SAME
Jenna Jerich		Same
<del>Michael Gorkby</del>	<del></del>	
Michael Gorkby		1869 Los Osos Valley Rd, Los Osos
Mary Patricia Gorkby		
MARY PATRICIA Gorkby		1869 Los Osos Valley Rd Los Osos
Michelle Ewing		2979 Clark Valley Rd LOS OSOS, CA
Tatiana Warner		Same ↑

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Printed Name	Signature	Address
Jeff Williams		1972 Los Osos Valley Rd Los Osos, Ca.
Karen Williams		1972 Los Osos Valley Rd Los Osos, Ca.
JOHN BATTALINO		2000 Los Osos Valley Road Los Osos, CA 93402
David Beshers		2170 Sombraero LOS OSOS CA.
PATRICK SCARPA		2210 CIMARRON WY LOS OSOS, CA.
TIM HEDGES		1998 LOS OSOS VALLEY LOS OSOS CA 93402
DEBORAH DESS		1958 COUR LOS OSOS, CA 93402
JIM MAHAFFEY		2260 CIMARRON WY LOS OSOS, CA. 93402
LARRY McALLISTER		2072 LOS OSOS VALLEY RD LOS OSOS, CA. 93402
John Michener		2267 Falcon Ridge Ln Los Osos, CA 93402
JUDY MICHEVER		2267 Falcon Ridge Ln Los Osos, Ca 93402
P. Babos		2298 Falcon Ridge Los Osos.
John Babos		2296 Falcon Ridge Los Osos CA
ZAMIR ARBOGAST		2196 Falcon Ridge Ln Los Osos, CA

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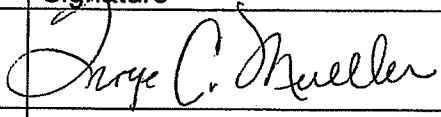
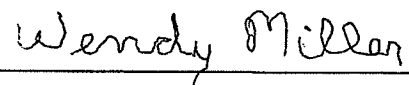
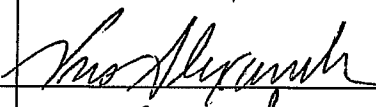
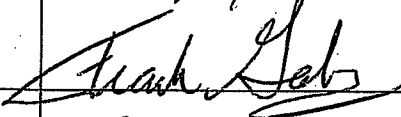
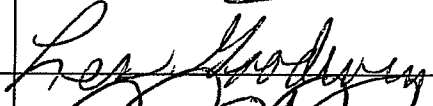

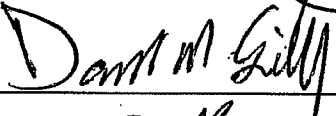


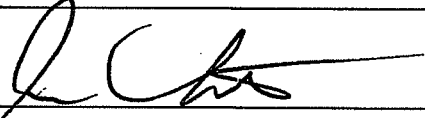
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Printed Name	Signature	Address
Judy Beshears	Judith Beshears	2170 Sombrero Dr. Los Osos, Cal 93402
Emma Nieman	Emma Nieman	2098 Tapadero Ave. Los Osos, CA 93402
Roe Nieman	R. Nieman	2098 Tapadero Ave. Los Osos CA 93402
Steven A. Adrianse	Steven A. Adrianse	1498 Tapadero Ave. Los Osos, CA. 93402.
Eli Martin	Eli Martin	1940 Tapadero Ave. Los Osos, CA. 93402
Thomas L. Richards	Thomas L. Richards	1901 LARIAT DR LO CA 93402
<del>Susan Richards</del>	<del>Susan Richards</del>	
SUSAN RICHARDS	Susan Richards	1901 LARIAT LOS OSOS, 93402
Van Bodily	Van Bodily	1901 Lariat Dr Los Osos CA 93402
Eric Bodily	Eric Bodily	1901 Lariat Dr. Los Osos 93402
Bryan Richards	Bryan Richards	1901 Lariat Dr. Los Osos CA 93402
Jackieby	<del>Jackieby</del>	2125 Lariat Dr Los Osos CA 93402
Loida D. May	Loida D. May	2149 Lariat Dr. Los Osos Ca. 93402
KIRK MCKAY	Kirk McKay	2170 LARIAT DR LOS OSOS CA, 93402



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Printed Name	Signature	Address
Troye Mueller		2199 Falcon Ridge Lane Los Osos, CA 93402
Wendy Miller		2223 Falcon Ridge Los Osos, CA 93402
IRIS ALEXANDRA		2245 Falcon Ridge Los Osos, Ca. 93402
Frank Galicia		2289 Falcon Ridge Ln LOS OSOS CA 93402
Les Gardwin		2131 Blue Heron Way R.M. Park, Ca 93402
CARLOS GUILLERMO		2245 Clark Valley Rd Los Osos A 93402
DAVID LILLY		2225 CLARK VALLEY RD LOS OSOS, CA 93402
Scott Kimura		1981 Tapadero Ave. Los Osos, CA
Karen Kimura		1981 Tapadero Ave Los Osos, CA 93402
Jim LESTER		206 TAPADERO AVE LOS OSOS CA 93402

Signatures of Bear Valley Land Stewardship Alliance land owners and residences in Los Osos Valley supporting the Tonini site as the location for the Los Osos sewer treatment facility, storage ponds, and spray fields (Project 4), as described in the Los Osos Wastewater Project Final Environmental Impact Report

Submitted for the April 23, 2009 San Luis Obispo County Planning Commission Meeting

Printed Name	Signature	Address
Sandra G Branch	Sandra G Branch	1961 Tapadero Ave Los Osos, Ca. 93402
Louis H. Branch	Louis H. Branch	1961 Tapadero Ave Los Osos, Ca. 93402
Jim McLaughlin	Jim McLaughlin	1984 Tapadero Ave Los Osos, CA 93402
FLORINE JOHNSTON	Florine Johnston	1962 Tapadero Ave 93402 Los Osos, CA 93402
Connie McLaughlin	Connie McLaughlin	1984 Tapadero Ave
SALLY REGUA	Sally Regua	1941 TAPADERO AVE LOS OSOS 93402
CHARLES B. MOORMAN	Charles B. Moorman	1999 Tapadero Ave., P.O.
Cecile Diane Ley	Cecile Diane Ley	2031 Tapadero Ave L.O.
Merrick Kay Reis	Merrick Kay Reis	2091 Tapadero Ave Los Osos
Ron A Reis	Ron A Reis	2091 Tapadero Ave Los Osos
RANDALL WATSON	Randall Watson	1680 YAMPA LN. Los Osos
Chris Salette	Chris Salette	2171 Sombrero Dr. Lo.
Brenda Salette	Brenda Salette	2171 Sombrero Dr. L.O.
ROLANDO NARVAO	Rolando Narva	2190 Sombrero Los- Osos CA

CA



**THE ZUMBRUN LAW FIRM**  
*A Professional Corporation*

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**JAN 30 2009**

January 29, 2009

COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PUBLIC WORKS

Mr. Mark Hutchinson  
Environmental Programs Manager  
San Luis Obispo County Department of Public Works  
County Government Center  
1055 Monterey Street, Room 207  
San Luis Obispo, CA 93408

**VIA OVERNIGHT DELIVERY**

Dear Mr. Hutchinson:

Re: Los Osos Wastewater Project Draft Environmental Impact Report

We represent the Bear Valley Land Stewardship Alliance (BVLSA) in Los Osos Valley in regard to the Los Osos Wastewater Project (LOWP) Draft Environmental Impact Report (DEIR). The purpose of this letter is to comment on the DEIR on behalf of BVLSA.

We acknowledge and commend the selection of the Tonini property as the environmentally superior location for the LOWP (identified as Project 4 in the DEIR). This decision is logical in that it consolidates all of the wastewater facilities in Los Osos Valley onto one property. The other project options would have spread the LOWP facilities across Los Osos Valley.

Consolidating the LOWP onto one property follows the same logic of cluster housing on open land, mainly to avoid spreading impacts. Environmental impacts from traffic, roadways, night lighting, noise, and odors in Los Osos Valley would be confined to the best extent practical if the Tonini property is used for the LOWP. The location also makes sense from a maintenance and operations standpoint.

We would also like to comment on issues that may arise in transitioning from the DEIR to the final EIR. In this regard, we understand the County's guidance in several recent public meetings that comments on the DEIR should not be on the particular locations selected for disposal, those being the Broderson and Tonini sites. The disposal locations are fixed. Comments may be

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directed at the treatment facility and storage ponds, including their locations, but relative to environmental impact assessments that may have not been addressed completely or were overlooked. This is not to exclude comments supporting impact descriptions and decisions.

Although we acknowledge the Tonini property as the environmentally superior location for the LOWP, we also recognize that the ultimate locations for the treatment facility and storage ponds could change. How and in what manner these may change (or not change) will, of course, depend on the nature of public comments to the DEIR, results from a "community survey," how your office interprets the comments and survey, and the final decision by the San Luis Obispo County Board of Supervisors.

With that said, we recognize that Project Options 1, 2, and 3 consist of using various combinations of the cemetery, Giacomazzi and Branin properties for the treatment facility and storage ponds. Other sites considered nearby include the Andre and Robbins properties. All five properties, however, should be excluded from consideration should any reevaluation occur concerning the location of the LOWP. In addition to being proximate to existing neighborhoods, these properties drain towards Warden Creek and Lake, which are on the properties. Warden Creek and Lake and the Morro Bay National Estuary would be at close risk to accidental sewage spills. Some of these properties are also classified as being within flood zone hazards identified by the County. Flooding is not compatible with sewage treatment, storage, and spray field disposal. We hope that the unique physical characteristics of these properties were included as important reasons for rejecting Project Options 1, 2, and 3 and selecting Project 4 as the environmentally superior location for the LOWP.

P26-1

The DEIR did not appear to strongly highlight the near certainty of odor impacts to neighborhoods in Los Osos Creek Valley if Project Options 1, 2, or 3 is implemented, in comparison to Project 4. There was no apparent distinction made, or the distinction was subtle.

Odor impacts were conveyed in a letter dated September 4, 2007 to the County Board of Supervisors and Public Works Department. The letter includes a signed petition from largely all of the property owners living in close proximity to the cemetery, Giacomazzi, and Branin properties. The petition list includes signatures from 60 property owners and six nonproperty owner residents (of voting age). The letter and the petition oppose any sewer project in these areas. The letter specifically states that odor impacts would occur, and includes a detailed description of how they would occur. The mechanism stems from the low-lying nature of Los Osos Creek Valley functioning as a "sink" of cooler denser air. A slight offshore wind also develops nearly every night. The combination would result in sewage odors being conveyed and retained in Los Osos Creek Valley on a frequent basis if Project Options 1, 2, or 3 is implemented.

P26-2

In contrast, sewer odors would have a lower probability of affecting neighborhoods in Los Osos Creek Valley if Project 4 is implemented, depending on the design and operation of the LOWP and because it is more distant from neighborhoods. This may have been considered in selecting

Mr. Mark Hutchinson  
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Page 3

Project 4 as the environmentally superior location for the LOWP over the other project options. If this was the case, it was not clearly apparent in the DEIR.

P26-2  
CONT

It should be noted that implementing Project Options 1, 2, or 3 would not eliminate the need to still purchase the Tonini property for spray field disposal. Implementing any of these project options would require the purchase of two or more properties (Tonini plus unidentified "others"). Acquisition of "other" properties in Los Osos Valley may not be possible and, at minimum, would significantly delay completion of the LOWP.

If any reevaluation is to occur regarding the location of the LOWP, our position is that the Mid-town site should be the only site reconsidered, with perhaps the original Tri-W treatment facility. In other words, the treatment facility could be built on the Mid-town property with effluent storage and disposal still occurring on the Broderson and Tonini properties.

P26-3

Should a reconsideration of location occur, we strongly believe that the Mid-town site should be considered as the preferred site for the Los Osos sewer, or ranked similarly to the Tonini site. A primary reason is that the Mid-town site was the preferred site for the LOWP based on a prior EIR. Also, the Mid-town property remains undeveloped and is still owned by the Los Osos Community Services District.

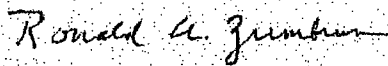
Therefore, should the location for the LOWP be reevaluated, only the Mid-town site should be considered and preferably selected as the final site for the treatment facility. Otherwise, the Tonini site represents the next reasonable option used in combination with the Broderson leach field.

Finally, we assume if Project 4 goes through that various pump stations will need to be installed in Los Osos Valley and Los Osos Creek Valley. If this occurs, we would like to see each pump station associated with overflow sewage capture and retention equipment (e.g., overflow tanks). This would minimize the potential of accidental sewage spills reaching Los Osos Creek, Warden Lake, and Warden Creek in the event of pump station failures.

P26-4

Thank you for the opportunity to comment on the DEIR.

Respectfully submitted,

  
RONALD A. ZUMBRUN  
Managing Attorney

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**The Zumbrun Law Firm, Ronald A. Zumbrun, January 30, 2009 (Letter P26)**

*Response to Comment P26-1*

This comment states that the Cemetery, Giacomazzi, and Branin properties should be excluded from consideration of further evaluation due to the proximity of the sites to existing neighborhoods, Warden Creek and Lake, and the Morro Bay National Estuary. These three properties are included in one or more of the proposed projects. None of the proposed projects have been rejected; however, as identified in Appendix Q the Preferred Project is to use the Tonini site for the proposed treatment facilities as well as sprayfield disposal.

*Response to Comment P26-2*

This comment expresses a concern that the Draft EIR did not emphasize odor impacts to neighborhoods from the implementation of Proposed Projects 1, 2 or 3. Section 5.9, Expanded Air Quality Analysis, in Appendix K-1 discusses odor impacts on page 5.9-54 through 5.9-61. This section addresses potential odor impacts associated with the components of the proposed projects as well as the project features that are included as part of the project to reduce potential impacts to less than significant. These project features are critical in reducing potential odor at the treatment plant site.

*Response to Comment P26-3*

This comment expresses the opinion that should the location for the LOWWP be reevaluated, only the Mid-town site should be considered and preferably selected as the final site for the treatment facility. Because there are no comments on the contents of the Draft EIR, no further response is required.

*Response to Comment P26-4*

This comment expresses concerns about pump stations and potential spills. All pump stations are designed with the capacity to contain flows in the event that the pumps are not running, typically within the "wet well" that contains the pumps themselves. As described in Section 3 of the EIR, the only pump stations required in the Los Osos Valley or the Los Osos Creek Valley are the pump stations necessary to move treated effluent back to Broderson and to the sprayfields. These stations would be located at the treatment plant and/or wet weather storage sites.