



SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

August 31, 2009

Al Barrow  
(Los Osos Legal Defense Fund)  
P.O. Box 6931  
Los Osos, CA 93412

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

# COASTAL APPEAL FORM

San Luis Obispo County Department of Planning and Building

2009 AUG 27 PM 4:28  
7/25/08

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 Treatment Project File Number: DPC 2008-00103

Type of permit being appealed:

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

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: 8/13/09

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 Exhibit A

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

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

## APPELLANT INFORMATION

Print name: Al Barrow / Los Osos Legal Defense Fund  
 Address: PO Box 6931 Los Osos, CA 93412  
 Phone Number (daytime): 805 534-0800

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

Signature JESSE HILL - ATTORNEY Date 8/27/09

## OFFICE USE ONLY

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

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

# COASTAL APPEALABLE FORM

San Luis Obispo County Department of Planning and Building

2009 AUG 27 17:25/088

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 Waterway File Number: DRC 2008-00103

Type of permit being appealed: Vegetation Project

- Plot Plan
- Site Plan
- Minor Use Permit
- Development Plan
- Variance
- Land Division
- Lot Line Adjustment
- Other: \_\_\_\_\_

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: August 13, 2009

The decision is appealed to:

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

## BASIS FOR APPEAL

INCOMPATIBLE WITH THE LCP. The development does not conform to the standards set forth in the Certified Local Coastal Program of the county for the following reasons (attach additional sheets if necessary).

Explain: See attached Exhibit A

INCOMPATIBLE WITH PUBLIC ACCESS POLICIES. The development does not conform to the public access policies of the California Coastal Act - Section 30210 et seq of the Public Resource Code (attach additional sheets if necessary).

Explain: \_\_\_\_\_

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

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

## APPELLANT INFORMATION

Print name: Al Barrow / Los Osos Legal Defense Fund

Address: PO Box 6931 Los Osos CA 93412 Phone Number (daytime): 805 534-0800

I/We are the applicant or an aggrieved person pursuant to the Coastal Zone Land Use Ordinance (CZLUO) and are appealing the project based on either one or both of the grounds specified in this form, as set forth in the CZLUO and State Public Resource Code Section 30603 and have completed this form accurately and declare all statements made here are true.

Signature: Jessie Hill Attorney

Date: 8/27/09

OFFICE USE ONLY  
Date Received: 8/27/09  
Amount Paid: \_\_\_\_\_

By: Doris Maca, Sec.  
Receipt No. (if applicable): \_\_\_\_\_

Exhibit A to Coastal Appeal Form of Al Barrow and Los Osos Legal Defense Fund

2013 AUG 27 PM 4:28

The following are the basis of the appeal:

1. Seawater intrusion is a significant unavoidable impact that has not been adequately addressed. The placement of the site with little ability to infiltrate into the aquifer and recharge the basin is of prime concern.
2. There are less impacts with the STEP/STEG method of waste disposal than with the gravity system. This alternative treatment technology would have less water waste and allow a better point of entry from ponds to protect against sea water intrusion.
3. The Proposition 218 vote required side by side cost comparisons of the two system alternatives and this was not done. Establishing the least expensive side by side funding mechanism was promised in the 218 vote.
4. It is believed that the more cost effective system would be STEP/STEG because the capital costs are \$44,000,000.00 based upon engineering estimates and the capital costs of the gravity feed system is well over double that amount.
5. STEP system has fewer environmental impacts that the gravity system.
6. STEP is a superior alternative and it was not adequately addressed at the planning commission hearing. In fact, participants were told not to discuss alternatives.

The following mitigations and related policies were not followed:

Policy B-1 the waste water treatment plan is not an allowed use at the current site under a Coastal Development Permit;

Conditions of Approval 8 the mitigation is not specific as required by CEQA and Policy 8 Pipeline Route selection and Policy 9 Construction Requirements in sensitive resource areas;

Conditions of Approval 86 the growth inducing impacts of the location of the sewer plant have not been adequately addressed at the current location under Policy 10 Site Selection; and

Conditions of Approval 24 and 25, Policy 11 Geologic Requirements are not being met because of the changed location of the facilities site.