



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

August 31, 2009

Linde Owen
1935 10th B
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

#1788

SLO CNTY
PLANNING/BUILDING
DEPT

COASTAL APPEAL FORM

San Luis Obispo County Department of Planning and Building

2009 AUG 27 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: LOWWIP File Number: DRC 2009-00103

Type of permit being appealed:

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

certification

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

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)

Significant impacts failed to get adequate review especially collection & treatment options. Current proposal allows significant AVOIDABLE impacts on the Coastal Zone Land Use Element

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

Final Findings (attached)

Condition Number 110, 111 Reason for appeal (attach additional sheets if necessary)

APPELLANT INFORMATION

Print name: Linda Owe
Address: 1435 10th B, LOS OSOS, CA 93402
Phone Number (daytime): 528-6403

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

Linda Owe
Signature

8/27/09
Date

OFFICE USE ONLY

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

By: Luis Macer, Secretary
Receipt No. (if applicable): N/A

COASTAL APPEALABLE FORM

San Luis Obispo County Department of Planning and Building

SLO COUNTY
PLANNING/BUILDING
DEPT

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: LOWWP File Number: DRC 2008-00103

Type of permit being appealed:

Plot Plan
Variance

Site Plan
Land Division

Minor Use Permit
Lot Line Adjustment

Development Plan

Other: CEQA EIR

certification

The decision was made by:

Planning Director (Staff)
Subdivision Review Board

Building Official
Planning Commission

Planning Department Hearing

Other

Date the application was acted on: AUG. 27, 2009

The decision is appealed to:

Board of Construction Appeals
Planning Commission

Board of Handicapped Access
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: Violates CZLUO Sect. 30108, 23.04.430 & 23.08.288

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 110, 111 Reason for appeal (attach additional sheets if necessary) And Final Findings B.5, B.6, B.9, B.10, B.11, F and Z.

Inadequate comparison & review on collection/treatment impacts on numerous aspects of the LCP and failure to follow CEQA

APPELLANT INFORMATION

Print name: LINDE OWEN

Address: 1935 10th B
LOS OSOS, CA 93402

Phone Number (daytime): 528-6403

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]
Signature

8/27/09
Date

OFFICE USE ONLY

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

By: RisMacen, see
Receipt No. (if applicable): _____

I appeal the following findings and conditions with headings provided and my reasons listed as 'I appeal:'

SAN LUIS OBISPO
PLANNING/BUILDING
DEPT

2009 AUG 27 PM 4:05

Planning Commission – Final Findings and Conditions of Approval - Adopted version
Coastal Development Permit / Development Plan DRC2008-00103 / County of San Luis Obispo

B. The proposed project or use is consistent with the San Luis Obispo County General Plan and Local Coastal Program because:

(Page 1) B.5. Public Works policies ensure that adequate facilities are available for new and anticipated development. The proposed project will not increase the demand for services and will only allow development consistent with applicable area plan standards as conditioned herein.

I appeal:

Public Works does not have a 218 approval from future buildout lot owners and the needed financial input to complete the project. Because of the dubious situation of severe water shortage, the approval of the secondary 218 vote is questionable. Payment for the entire project cost hinges on getting a positive 218 but without an adequate water guarantee could leave exiting PZ residents footing the entire bill.

B.6. Coastal Watershed policies are meant to maintain productivity of coastal waters and to manage new development so that the resource is maintained. The proposed project, with the recommended conditions of approval, will not have a significant effect on coastal watersheds.

I appeal:

Removal of current leachfield disposal (5000 disposal sites) will have a negative impact on existing ecosystems currently dependent on leachfield waters. Little discussion about this impact was held and mitigation is not even close to adequate to address protection of Prohibition Zone flora and habitat. Existing wetlands will also be negatively affected. No mitigation has been addressed to replace critical water supply to these areas. Broderson disposal will do very little to respond to 5000 disposal sites going dry.

Page 2 B.9. Hazard policies provide for the protection of life and property from natural and man made hazards. The location of the proposed project will not increase the risk of hazard to the public or property because the project has been sited to avoid potential conflicts with the Los Osos fault zone. Preliminary geologic evaluation indicate that no significant impacts resulting from hazardous conditions will result from project development, and as conditioned, will be required to incorporate final recommendations of a site and design specific geologic hazards evaluation for project related components and buildings.

I appeal:

The Broderson disposal site could produce significant impacts from liquefaction. The idea of leaching 400,000 gallons eventually in hopes of introducing supply to the lower aquifer is ex-

perimental at best and requires re-thinking the benefit vs the potential failures. The disposal proposal has a high financial cost and other less dangerous options should be considered.

10. Archaeology polices relate to the identification and preservation of archaeological resources will be met by implementation of the required Cultural Resource Treatment Plan and other conditions associated with the protection and preservation of cultural resources.

AND

Page 6 Archaeological Sensitive Area

Z. The site design and development incorporate adequate measures to ensure that archaeological resources will be acceptably and adequately protected because mitigation measures have been incorporated into the project including the requirements associated with the Cultural Resource Treatment Plan that provides for avoidance of resources, data collection, monitoring, and appropriate treatment of significant resources.

I appeal:

STEP collection will have far less impact on Cultural Resources and burial sites because it will directionally drill much of the collection piping rather than unearth cultural sites through deep trench excavating with Gravity pipe installation. This was not adequately discussed and could add much more interruption to native burial and cultural sites as well as add prohibitive delays and expense.

Page 2 B.11. Air Quality policies encourage the enhancement of air quality. Compliance with the conditions of approval and APCD rules and procedures will preserve air quality. Because the project has been conditioned to not allow connections to the sewer system outside the Service Area (as shown in Attachment 1), the project will limit sprawl around the community of Los Osos and associated vehicle trips.

I appeal:

The proposed collection (Gravity) and treatment (BioLac) did not receive adequate comparison of air quality impacts. Especially the treatment bio-solids (sludge) by-product. Weekly sludge hauling is estimated to be 2 truckloads a week to a possible landfill location or possibly further. 104 truckloads annually compared to ZERO truckloads from a Ponding Treatment facility is substantial and must be revisited. In 20 years of estimated Ponding treatment, 2080 truckloads would be eliminated.

Page 4 F. The proposed use or project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because Los Osos Valley Road that would serve the daily employee traffic for the wastewater treatment plant is an arterial road, capable of handling all operational traffic generated by the proposed use. Construction traffic throughout the community will create temporary inconveniences but has been shown in the traffic analysis contained within the EIR to not create significant traffic or circulation related impacts.

Thursday, August 13, 2009

MEETING LOCATION AND SCHEDULE

Regular Planning Commission meeting

3.

Continued hearing to consider revised findings and conditions of approval for a request by the COUNTY OF SAN LUIS OBISPO for a Development Plan / Coastal Development Permit to allow construction and operation of a sewer system to serve the community of Los Osos, which includes a collection system, a sewer treatment facility plant, effluent disposal system, and all associated appurtenant infrastructure in multiple land use categories. The proposed treatment plant site is located at 3515 Turri Road, approximately 3 miles east of the community of Los Osos (known as the Tonini site) and is located in the Agriculture land use category. The Planning Commission is considering relocating the treatment plant to 2198 Los Osos Valley Road (APN - 067-011-022; Giacomazzi) and a portion of effluent disposal system to 2350 and 2780 Los Osos Valley Road (APN's - 067-031-008, Andre; 067-031-011, Andre; 067-031-037, Robbins; and 067-031-038, Robbins). The infrastructure for the project is located in the county throughout the community of Los Osos and 3 miles east of the community of Los Osos, in the Estero Planning Area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item. The Environmental Coordinator, after completion of the initial study, finds that there is evidence that the project may have a significant effect on the environment, and therefore a Final Environmental Impact Report (FEIR) was prepared (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) for this project. The FEIR addresses potential impacts on: Land Use and Planning; Groundwater Resources; Drainage and Surface Water Quality; Geology; Biological Resources; Cultural Resources; Public Health and Safety; Traffic and Circulation; Air Quality; Noise; Visual Resources and Environmental Justice. Mitigation measures are proposed to address these impacts and are included as conditions of approval. Overriding considerations were determined necessary based on significant and unavoidable impacts associated with agricultural resources. (CONTINUED FROM 4/23/09, 4/30/09, 5/28/09, 6/29/09, 6/30/09, 7/23/09, & 7/24/09. County File No: DRC2008-00103 Assessor Parcel Number(s): community- Supervisorial District: 2 wide, sewer treatment plant site: 067- Murry Wilson, Project Manager 031-001 (proposed), 067-011-022, 067-031-008, 067-031-011, 067-031-037, and 067-031-038 (alternatives). Recommend approval (150 min)