

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
 725 FRONT STREET, SUITE 300
 SANTA CRUZ, CA 95060-4508
 VOICE (831) 427-4863 FAX (831) 427-4877

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Don Bearden

Mailing Address: 1411 - 7th Street

City: Los Osos

Zip Code: 93402-1617

Phone: 805-528-3579

SECTION II. Decision Being Appealed

1. Name of ~~local~~ port government:

San Luis Obispo County Board of Supervisors

2. Brief description of development being appealed:

Los Osos Wastewater Project DRC 2008-00103. Locating the treatment plant at the Giacomazzi site instead of the Mid-town site.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

Giacomazzi site APN 067-011-022.

Mid-town site APN 074-229-017

4. Description of decision being appealed (check one.):

- Approval; no special conditions
- Approval with special conditions:
- Denial

RECEIVED

OCT 05 2009

CALIFORNIA
 COASTAL COMMISSION
 CENTRAL COAST AREA

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SLO-09-055

DATE FILED: October 19, 2009

DISTRICT: Central Coast

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- ~~City Council~~ Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: September 29, 2009

7. Local government's file number (if any): DRC 2008-00103

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

County of San Luis Obispo
Department of Planning and Building
Murry Wilson, Project Manager 805-788-2352
976 Osos Street, Room 300
San Luis Obispo, CA 93408

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Don Bearden, Steven Paige, Vivian & Barry Branin, Bruce Corelitz, Los Osos Valley memorial Park, J.H. Edwards Company, Piper Reilly, Linde Owen, Los Osos Sustainability Group, Martha Goldin, Elaine Watson, Citizens for Affordable & Safe Environment & Coalition for Low Income Housing, Surfrider Foundation - San Luis Bay Chapter, Los Osos Legal Defense Fund, Sierra Club, Chuck Cesena. The County has addresses for all these Planning Commission decision appellants.

(2)

(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

Locating a wastewater treatment plant at the Giacomazzi site when the Mid-town site is still feasible, is incompatible with the LCP. See attached sheets of my appeal #781 to the August 13, 2009 Planning Commission decision and my power point presentation at the September 29, 2009 Board of Supervisor's denial of that appeal. Additionally attached are the first three pages of 9/29/09 agenda item.

1. It converts ag land unnecessarily.
2. It disturbs archaeological sites unnecessarily.
3. Makes pollution of Morro Bay more probable due to its closer proximity to waterways.
4. Requires a force main sewer pipeline with a creek crossing from the Mid-town site to the Giacomazzi site.
5. Has the potential to induce inappropriate growth.

The County of San Luis Obispo has deemed the previously approved Mid-town (Tri-W) waste treatment site as "socially infeasible". It's a political hot potato that neither the Planning Commission nor the Board of Supervisors is willing to touch. Therefore, they have selected 30 acres of Giacomazzi farmland to convert to a waste treatment site.

I believe that the Giacomazzi site, located right next to the Los Osos Cemetery is just as "socially infeasible" as the Mid-town site, if not more so. The people in Los Osos Valley, a small community just outside of town, are being asked to accept a waste treatment plant in their community which they can't connect up to and get no benefits from. They have never had a voice in any vote or survey on the Los Osos sewer project. They're even asked to accept a less costly oxidation ditch type plant instead of an MBR type plant which has more stringent odor controls. Up until August 13, 2009 nobody there complained very much because the preferred site was the Tonini site, way out of town. It's been less than two months since the Planning Commission moved the preferred site to the near-town Giacomazzi site. I don't know if the Los Osos Valley people or the Cemetery owners will file lawsuits or not, but I think locating the project at the Giacomazzi site is more "socially infeasible" than the Mid-town site.

The Coastal Commission is the last place to right this injustice by requiring the project be moved back to the Mid town site.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or Authorized Agent

Date: October 1, 2009

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

August 18, 2009

✓ Don Bearden
1411 7th Street
Los Osos, CA

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

RECEIVED

OCT 05 2009

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

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 will be 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, San Luis Obispo. As soon as we get a firm hearing date your Project Manager, **Murry Wilson** will notify you of that date. 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

Nicole Retana,
County Planning and Building Department

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

#781

Coastal appealable form

San Luis Obispo County Department of Planning and Building

701/09

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
- 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: USES AG LAND UNNECESSARILY. DISTURBS ARCHAEOLOGICAL SITES UNNECESSARILY. MAKES POLLUTION OF MORRO BAY MORE PROBABLE.

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 1.A Reason for appeal (attach additional sheets if necessary)

LOCATING THE WASTE WATER TREATMENT PLANT AT THE GIACOMAZZI SITE WHEN THE MID-TOWN SITE IS FEASIBLE.

APPELLANT INFORMATION

Print name: DON BEARDEN (SEE ATTACHED SHEETS)
Address: 1411- 7th STREET Phone Number (daytime) 805-528-3579

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.

Don Bearden
Signature

8/17/09
Date

OFFICE USE ONLY

Date Received: 8/17/09
Amount Paid: 0

By: NAA
Receipt No. (if applicable): _____

1000
SUNSHINE/SHIRAZ
1100 OTS

Don Bearden's Coastal appealable form continued:

Condition Number 1.a of DCR2008-00103 authorizes "A wastewater treatment facility, including all appurtenant structures, landscaping and site access to be located on the Giacomazzi site (APN 067-011-022)." **The findings suggest no other feasible location. I believe the Mid-town site is far more feasible than the Giacomazzi site.**

Giacomazzi site versus Mid-town site:

Planning Commission 4/23/09 page 1-29

The Giacomazzi property consists of 38.2 acres, 30 acres of which is farmable (the other 8.2 acres contain a residence at one site and steep topography and drainages leading to Warden Lake on another 7 acre area). Of the 30 farmable acres, 6.6 acres are prime agricultural soils. As currently proposed, the treatment facility requires 20 acres; however, relocation to the Giacomazzi site would likely remove the entire 38.2-acre parcel from agricultural use because of the need accommodate slopes on the site, setbacks from property lines, and space for any future treatment needs. The gently sloping nature of the parcel would require greater separation between treatment plant facilities; setbacks from the cemetery expansion area would be required, and the treatment plant layout would need to be re-configured to avoid or reduce impacts to a large prehistoric cultural site that occupies substantial portions of all three parcels north of the cemetery.

Draft EIR Appendix P page 14

Mid-Town (APN 074-229-017); approximate acreage 11.7 ac: The Mid-Town site was the location for the previously proposed treatment plant for the 2001 wastewater project. Mid-Town has been identified as the preferred in-town site for locating a wastewater treatment facility. This site is located next the Los Osos Community Services District off LOVR in town. The site is known to be shoulder-banded snail habitat.

Here are the findings that, I believe, are incompatible with the LCP:

1. DCR2008-00103 Findings - Exhibit A, Environmental Determination A. says:
"Significant and unavoidable impacts to agricultural resources were identified for the project alternative (Giacomazzi treatment plant site) that was selected by the Planning Commission at the July 24, 2009 hearing." **These agricultural impacts are avoidable by selecting the Mid-town site.**
2. DCR2008-00103 Findings - Exhibit A, Coastal Development Permit B.1 says:
"The wastewater treatment facility is an allowable use at the proposed location (Giacomazzi site) because there is no other feasible location..." **I believe the Mid-town site is a feasible alternative.**
3. DCR2008-00103 Findings - Exhibit A, Coastal Development Permit B.4 says:
"Agricultural policies encourage the preservation of viable agriculture. The proposed project is found to minimize agricultural impacts and will provide an additional water supply to promote the continuance of agriculture within Los Osos Valley." **30 acres of farmland would be saved by not using the Giacomazzi site.**

4. DCR2008-00103 Findings - Exhibit A, Coastal Development Permit B.10 says:
"Archaeology policies 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." **There is a large prehistoric cultural site that occupies substantial portions of all three parcels north of the cemetery. The best way to preserve these resources is to not put a treatment plant at the Giacomazzi site. The Mid-town site has already been excavated and disturbed.**
5. DCR2008-00103 Findings - Exhibit A, Coastal Development Permit B.12 says:
"The project is consistent with the Agriculture and Open Space Element AG Policy 24 regarding conversion of agricultural lands because there is no other feasible location to site the treatment facility within the urban reserve boundary..." **I believe the Mid-town site is a feasible alternative.**
6. DCR2008-00103 Findings - Exhibit A, Coastal Development Permit ^{E-4}~~C.4~~ says:
"The treatment plant would be located adjacent to existing grazing lands and Warden Lake. The project will be set back from Warden Lake and provide enhancement of on-site drainage features which drain into Warden Lake." **Plant spills at Giacomazzi have only a short way to go down steep topography to get to Warden Lake and flow to Morro Bay, a National Estuary. The Mid-town site has sandy soils and a greater distance to waterways making spill prevention more easily solved.**
7. DCR2008-00103 Findings - Exhibit A, Streams and Riparian Vegetation N. says:
"Alternative locations and routes were evaluated and determined to be infeasible because the location of the wastewater treatment plant requires crossing Los Osos Creek in order to construct the collection system and disposal system which are required elements of the wastewater treatment project." **The Giacomazzi location requires a force main wastewater creek crossing and a purple pipe creek crossing. The Mid-town location would only require a purple pipe creek crossing and would not require any force main wastewater piping going out of town.**

As a separate matter, the preferred treatment plant site was changed from Tonini to Giacomazzi at the Planning Commission July 24, 2009 hearing. I believe this came as a complete surprise to the Los Osos valley residents, the Cemetery management, and the farmers near the Giacomazzi site. I don't know when these people realized that they were getting a wastewater treatment plant in their neighborhood that they will never be able to connect up to.

Don Bearden 8/17/09

Don Bearden's

Appeal re project DRC2008-00103

September 29, 2009

Los Osos Wastewater Project

- Planning Commission has proposed that the project be moved from the out-of-town Tonini site to a near-town Giacomazzi site.
- I believe that the project should be moved back to the Tri-W mid-town site.

Basis for Appeal

Incompatible with the LCP:

- **Converts agricultural land unnecessarily.**
- **Disturbs archaeological sites unnecessarily.**
- **Makes pollution of Morro Bay more probable.**

Condition being Appealed

Condition Number 1.a of DCR2008-00103 authorizes "A wastewater treatment facility, including all appurtenant structures, landscaping and site access to be located on the Giacomazzi site (APN 067-011-022)."

- **The findings suggest no other feasible location. I believe the Mid-town site (APN 074-229-017) is far more feasible than the Giacomazzi site.**

Giacomazzi Site 38.2 acres
Next to Cemetery, near Warden Lake/Creek, some prime ag land.



Giacomazzi site:

- 38.2 acres need to be bought.
- 30 acres farmable, 6.6 acres of the farmable acres are prime agricultural soils.
- Steep topography and drainages leading to Warden Lake, less than 500 feet away, on the north east 7 acre area.
- Setbacks from the Cemetery expansion area would be required.
- A portion of a large prehistoric cultural site occupies part of the property.
- Many more studies will need to be done.

Mid-Town Site 11.7 acres
Already bulldozed, already litigated, still has construction fence.



Mid-town site:

- **11.7 acres already owned.**
- **No agricultural acreage converted.**
- **Drainage to Morro Bay, a national estuary, is over a half a mile away.**
- **Site is known to be a shoulder-banded snail habitat, which has been mitigated and can be mitigated again.**
- **Site has already been bulldozed and is ready for construction.**
- **No further studies need to be done.**

Findings Incompatible with LCP

1. Exhibit A, Environmental Determination A.

says:

"Significant and unavoidable impacts to agricultural resources were identified for the project alternative (Giacomazzi treatment plant site) that was selected by the Planning Commission at the July 24, 2009 hearing."

- **These agricultural impacts are avoidable by selecting the Mid-town site.**

Findings Incompatible with LCP (continued)

2. Exhibit A, Coastal Development Permit

B.1 says:

"The wastewater treatment facility is an allowable use at the proposed location (Giacomazzi site) because there is no other feasible location..."

- **I believe the Mid-town site is a feasible alternative.**

Findings Incompatible with LCP (continued)

3. Exhibit A, Coastal Development Permit B.4

says:

"Agricultural policies encourage the preservation of viable agriculture. The proposed project is found to minimize agricultural impacts and will provide an additional water supply to promote the continuance of agriculture within Los Osos Valley."

- **30 acres of farmland would be saved by not using the Giacomazzi site. The Mid-town site will supply the same amount of water.**

Findings Incompatible with LCP (continued)

4. Exhibit A, Coastal Development Permit B.10 says:
"Archaeology policies 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."
- **There is a large prehistoric cultural site that occupies substantial portions of all three parcels north of the cemetery. The best way to preserve these resources is to not put a treatment plant at the Giacomazzi site. The Mid-town site has already been excavated and disturbed.**

Findings Incompatible with LCP (continued)

5. Exhibit A, Coastal Development Permit B.12 says:

"The project is consistent with the Agriculture and Open Space Element AG Policy 24 regarding conversion of agricultural lands because there is no other feasible location to site the treatment facility within the urban reserve boundary..."

- **I believe the Mid-town site is a feasible alternative.**

Findings Incompatible with LCP (continued)

6. Exhibit A, Coastal Development Permit E.4

says:

"The treatment plant would be located adjacent to existing grazing lands and Warden Lake. The project will be set back from Warden Lake and provide enhancement of on-site drainage features which drain into Warden Lake."

- **Plant spills at Giacomazzi have only a short way to go down steep topography to get to Warden Lake and flow to Morro Bay, a National Estuary. The Mid-town site has sandy soils and a greater distance to waterways making spill prevention more easily solved.**

Findings Incompatible with LCP (continued)

7. Exhibit A, Streams and Riparian Vegetation N. says:
"Alternative locations and routes were evaluated and determined to be infeasible because the location of the wastewater treatment plant requires crossing Los Osos Creek in order to construct the collection system and disposal system which are required elements of the wastewater treatment project."
- **The Giacomazzi location requires a force main wastewater creek crossing and a purple pipe creek crossing. The Mid-town location would only require a purple pipe creek crossing and would not require any force main wastewater piping going out of town.**

Excerpts from a California Coastal Commission letter dated March 25, 2009 of comments on the proposed Los Osos Wastewater Project:

- “Thus, we recommend that the terms and conditions of CDP A-3-SLO-03-113 be used as a starting point for consideration of development terms for the current project.”
- “Where such uses are allowed on agricultural land, it must be demonstrated that no alternative building site exists on or offsite and the least amount of land possible is converted.”
- “In other words, a tertiary project may make better sense to be sited closer to or in town at the Tri-W site (and potentially off of agricultural lands altogether) ...”
- “... and that it not be allowed to induce inappropriate development – whether in or outside the USL.”

Mid-town site stopped because:

- We don't need a sewer.
- We don't want a sewer.
- Not in my back yard.
- Move the sewer elsewhere.
- The cost is too much.
- It's too expensive to operate.
- It's the wrong treatment type.
- It's the wrong collection type.
- It's not green enough.
- It doesn't address every sewer issue.

Therefore we ought to stop and start all over again? I don't think so.

Giacomazzi site not feasible because:

- From a social (Los Osos Valley community) standpoint, they don't want another community's problems.
- Los Osos Valley residents can not connect up to treatment plant at Giacomazzi, that would be growth inducing.
- Many people don't want a waste treatment plant next to the Los Osos Cemetery where their loved ones are buried.
- 30 acres of farm land will be taken out of production unnecessarily.
- Archaeological sites will have to be disturbed unnecessarily.
- The Coastal Commission will have to spend many man hours studying the change from the Mid-town site to the Giacomazzi site delaying the project.
- The steep terrain and close proximity to Warden Lake/Creek makes pollution of Morro Bay more probable.
- We would have to buy the Giacomazzi property, whereas we already own the Mid-town property.
- A pressurized sewer main with creek crossing would have to be run from the Mid-town site to the Giacomazzi site.

Therefore we ought to stop the Giacomazzi siting before it gets started.

Other Wastewater Treatment Plants next to residential neighborhoods along the California coast:

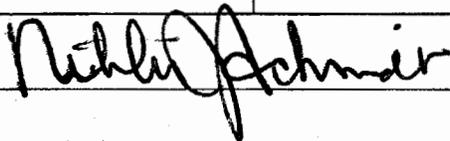
- Scotts Valley WWTP
- Santa Cruz WWTP
- Carmel WWTP
- San Simeon WWTP
- Cambria WWTP
- Morro Bay/Cayucos WWTP
- Avila Beach WWTP
- Santa Barbara WWTP
- Montecito WWTP
- Carpinteria WWTP

Los Osos Mid-Town Site

Why can't we put a Scotts Valley type plant at the Los Osos Mid-Town site?

- Good alternative to Giacomazzi site.
- No agricultural land needed.
- Use CDP A-3-SLO-03-113 (Tri-W project) where applicable.
- Would not allow too much growth.

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building		(2) MEETING DATE September 29, 2009		(3) CONTACT/PHONE Murry Wilson, Environmental Resource Specialist (805) 788-2352	
(4) SUBJECT Hearing to consider an appeal by Don Bearden, Steven Palge, Vivian & Barry Branim, Bruce Corelitz, Los Osos Valley Memorial Park, J.H. Edwards Company, Piper Reilly, Linde Owen, Los Osos Sustainability Group, Martha Goldin, Elaine Watson, Citizens For Affordable & Safe Environment & Coalition for Low Income Housing, Surfrider Foundation – San Luis Bay Chapter, Los Osos Legal Defense Fund, Sierra Club, and Chuck Cesena of the Planning Commission's approval of 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, agricultural re-use program, water conservation program, and all associated appurtenant infrastructure in multiple land use categories. The proposed treatment plant site is located at 2198 Los Osos Valley Road, approximately 0.5 miles east of the community of Los Osos (known as the Giacomazzi site) and is located in the Agriculture land use category. The infrastructure for the project is located in the county throughout the community of Los Osos and 0.5 miles east of the community of Los Osos, in the Estero Planning Area. Said project may include an application for USDA Rural Development Funding. (SUPERVISORIAL DISTRICT 2)					
(5) SUMMARY OF REQUEST The Board is being asked to consider the issues raised in sixteen appeal letters associated with a wastewater treatment project for the community of Los Osos which has recently been approved by the Planning Commission. The numerous appeal issues are related to the project description, environmental analysis, mitigation measures, conditions of approval, project costs, analysis of coastal policies, etc. Staff has provided responses to the issues raised in the appeal letters in the attached staff report.					
(6) RECOMMENDED ACTION Adopt the resolution denying the appeals and affirming the decision of the Planning Commission and conditionally approving the application of County of San Luis Obispo – Department of Public Works for a Development Plan / Coastal Development Permit (DRC2008-00103) based on the findings in Exhibit A, the conditions of approval in Exhibit B, and the California Environmental Quality Act (CEQA) findings in Exhibit C.					
(7) FUNDING SOURCE(S) None – Coastal Appeal		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): Environmental Health, Agriculture Commissioner, County Parks, Cal Fire, Air Pollution Control District (APCD), California Department of Fish and Game (CDFG), California Coastal Commission, Regional Water Quality Control Board (RWQCB), United States Fish and Wildlife Service (USFWS), Los Osos Community Services District (LOCS), National Marine Fisheries Service (NMFS), Morro Bay Estuary Program, City of Morro Bay, Army Corp of Engineers (ACOE), California State Lands Commission, Los Osos Community Advisory Council, Northern Chumash Tribal Council, Salinan Heritage Consultants, Native American Heritage Commission, and the Office of Historic Preservation.					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input checked="" type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input type="checkbox"/> All			(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A		(15) Maddy Act Appointments Signed-off by Clerk of the Board <input checked="" type="checkbox"/> N/A
(16) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est.) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(17) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig) <input type="checkbox"/> Contracts (Orig + 3 Copies) <input type="checkbox"/> Ordinances (Orig) <input type="checkbox"/> N/A <input type="checkbox"/> Email Resolution and Ordinance to CR_Board_Clerk (in Word)		
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(19) BUDGET ADJUSTMENT REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A			(21) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input checked="" type="checkbox"/> N/A
(23) ADMINISTRATIVE OFFICE REVIEW 					



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: BOARD OF SUPERVISORS

FROM: MURRY WILSON, PROJECT MANAGER *MW*

VIA: MATT JANSSEN, DIVISION MANAGER *MJ*

DATE: SEPTEMBER 29, 2009

SUBJECT: HEARING TO CONSIDER AN APPEAL BY DON BEARDEN, STEVEN PAIGE, VIVIAN & BARRY BRANIN, BRUCE CORELITZ, LOS OSOS VALLEY MEMORIAL PARK, J.H. EDWARDS COMPANY, PIPER REILLY, LINDE OWEN, LOS OSOS SUSTAINABILITY GROUP, MARTHA GOLDIN, ELAINE WATSON, CITIZENS FOR AFFORDABLE & SAFE ENVIRONMENT & COALITION FOR LOW INCOME HOUSING, SURFRIDER FOUNDATION – SAN LUIS BAY CHAPTER, LOS OSOS LEGAL DEFENSE FUND, SIERRA CLUB, AND CHUCK CESENA OF THE PLANNING COMMISSION'S APPROVAL OF 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, AGRICULTURAL RE-USE PROGRAM, WATER CONSERVATION PROGRAM, AND ALL ASSOCIATED APPURTENANT INFRASTRUCTURE IN MULTIPLE LAND USE CATEGORIES. THE PROPOSED TREATMENT PLANT SITE IS LOCATED AT 2198 LOS OSOS VALLEY ROAD, APPROXIMATELY 0.5 MILES EAST OF THE COMMUNITY OF LOS OSOS (KNOWN AS THE GIACOMAZZI SITE) AND IS LOCATED IN THE AGRICULTURE LAND USE CATEGORY. THE INFRASTRUCTURE FOR THE PROJECT IS LOCATED IN THE COUNTY THROUGHOUT THE COMMUNITY OF LOS OSOS AND 0.5 MILES EAST OF THE COMMUNITY OF LOS OSOS, IN THE ESTERO PLANNING AREA. SAID PROJECT MAY INCLUDE AN APPLICATION FOR USDA RURAL DEVELOPMENT FUNDING. (SUPERVISORIAL DISTRICT 2)

RECOMMENDATION

Adopt the resolution denying the appeals and affirming the decision of the Planning Commission and conditionally approving the application of County of San Luis Obispo – Department of Public Works for a Development Plan / Coastal Development Permit (DRC2008-00103) based on the findings in Exhibit A, the conditions of approval in Exhibit B, and the California Environmental Quality Act (CEQA) findings in Exhibit C.

976 OSOS STREET, ROOM 300 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

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September 29, 2009

DISCUSSION

The Los Osos Wastewater Treatment Project includes a comprehensive wastewater program for the community of Los Osos. The treatment facility will provide tertiary treatment of wastewater and is designed to treat wastewater for the expected build-out population within the prohibition zone of 18,428 residents.

On August 13, 2009, a Development Plan / Coastal Development Permit was approved to allow the construction and operation of a sewer system to serve the community of Los Osos which includes: a collection system, a sewer treatment facility, effluent disposal system, agricultural re-use program, water conservation program, and all associated appurtenant infrastructure in multiple land use categories. The proposed treatment plant site is located at 2198 Los Osos Valley Road, approximately 0.5 miles east of the community of Los Osos (known as the Giacomazzi site) and is located in the Agriculture land use category. The infrastructure for the project is located in the county throughout the community of Los Osos and 0.5 miles east of the community of Los Osos, in the Estero Planning Area.

The Department of Planning and Building received sixteen (16) appeals of the Planning Commission's decision by numerous community members and organizations. Due to the large number of appeals received on this project, and overlapping issues raised in the individual appeals, the appeal issues have been organized into sixteen (16) categories and one catch-all category of "Other Issues." Table 1 – Appellants / Appeal Issues highlights the general appeal issues raised in the individual appeal letters submitted to the Department of Planning and Building. Responses will be provided to the over arching appeal issues / categories rather than individual appellant issues.

Staff has included in Attachment 2, optional findings and conditions of approval which would further support those adopted by the Planning Commission. Your Board has the option of including any or all of the findings and conditions of approval suggested by staff that are determined appropriate to support the Planning Commission's approval of August 13, 2009. The intent of the changes to the findings and conditions of approval are to clarify, in writing, tasks that are already required to be completed by the applicant and to further support the Planning Commission's approved project in the required findings. Additionally, there are minor "clean-up" changes included in Attachment 2 that your Board may wish to adopt.

The following discussion responds to the issues raised in the appeals under the Coastal Zone Framework for Planning, the Local Coastal Program – Coastal Plan Policies, the California Environmental Quality Act, the Estero Area Plan, and the Coastal Zone Land Use Ordinance (CZLUO).

Staff is recommending that the Board uphold the Planning Commission recommendation for approval.