

DEPARTMENT OF PLANNING AND BUILDING



August 24, 2012

Cold Canyon Landfill Inc.
Corral de Pierda Land Co.
2945 McMillan #136
San Luis Obispo, CA 93401

SUBJECT: APPEAL OF COLD CANYON LANDFILL / DRC2005-00170
HEARING DATE: AUGUST 9, 2012 / PLANNING COMMISSION

We have received an appeal on the above referenced matter. In accordance with County Real Property Division Ordinance Section 21.04.020, County Land Use Ordinance Section 22.70.050, and Section 23.01.042 of the Coastal Zone Land Use Ordinance, the matter will be scheduled for public hearing before the County 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 and the public notice goes out, 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, Secretary
County Planning Department

cc: Murry Wilson, Project Manager
Bill Henry, Consultant
Ellen Carroll, Division Manager
Jason Giffen, Director
Jim Orton and Whitney McDonald, County Counsel

#860



INLAND APPEAL FORM

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

Promoting the Wise Use of Land • Helping to Build Great Communities

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: Cold Canyon Landfill

File Number: DRC2005-00170

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 Officer
- Subdivision Review Board
- Planning Commission
- Other: _____

Date the application was acted on: _____

The decision is appealed to:

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

BASIS FOR APPEAL

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

Please see attached

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

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

APPELLANT INFORMATION

Print name: Cold Canyon Landfill, Inc. / Corral de Piedra Land Company
 Address: 2945 McWilliam #136 SLO, CA 93401
 Phone Number (daytime): 805 543 0875

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

Signature: [Signature] Date: 8/23/12

OFFICE USE ONLY

Date Received: 8/23/12
 Amount Paid: \$850.00

By: NAR
 Receipt No. (if applicable): 0533

INLAND APPEAL FORM
 SAN LUIS OBISPO COUNTY PLANNING & BUILDING
 SLOPLANNING.ORG

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 PLANNING/BUILDING
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 2012 AUG 23 PM 4:01

PAGE 2 OF 2
 JULY 1, 2010
 PLANNING@CO.SLO.CA.US

Attachment 2 - CCLF Appeal

Basis for the Appeal:

In accordance with County Code section 22.70.050, Appellant hereby appeals the Planning Commission's approval of a conditional use permit for Cold Canyon Landfill, DRC2005-00170, as follows:

1. The conditions of approval are not supported by substantial evidence in the administrative record. The conditions of approval unduly limit or restrict operation(s) of the landfill, the materials recovery operation as well as ancillary site operations and maintenance activities.
2. The conditions of approval -- which impose restrictions, limitations, prohibitions and required actions -- are not supported by substantial evidence in the administrative record as noted above, and lack the required constitutional or statutory nexus between the interests sought to be protected or addressed by the Planning Commission, and the site operations being conditioned, prohibited or restricted by the conditions of approval.
3. The conditions require the permittee/Appellant to undertake an unreasonable expense and commitment of resources relative to the stated rationale or putative basis for imposing the condition(s), which rationale and bases are not supported by substantial evidence in the administrative record. The actions of the Planning Commission in imposing such conditions are consequently arbitrary, capricious, and beyond the scope of the Commission's statutory authority.

The specific Conditions of Approval (COA) appealed include, without limitation: COA 1, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 17, 18, 22, 25, 27, 30, 31, 32, 41, 53, 72, 75, 76, 77, 82, 83, 86, 87, 88, 117, 119, 120; together with all COA identified in the Planning Commission's final approval document with the symbol " **θ** ", whether or not included in the above listing of conditions.



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Many actions taken by the Department of Planning and Building staff, Building Official may be appealed. Actions by the Planning Department Hearing Officer, Subdivision Review Board, or Planning Commission, to approve or deny a permit application, may be appealed by the applicant or member of the public.

If you wish to appeal a decision, an original appeal form must be completed and received by the Records Management Division accompanied by the required fee no later than 14 calendar days after the action, or 7 calendar days after the approval of a "Site Plan" type of land use permit.

Please state the reasons for your appeal as clearly as possible, setting out all of the facts, conditions, and considerations concerning your case under the section entitled "Basis for Appeal" on the form. You may, if you wish, submit a more detailed letter in addition to the required form.

After an appeal has been filed, staff will prepare a response and schedule an appeal hearing. The Planning Commission, Board of Supervisors or other Review Authority, as specified under the appropriate Ordinance, will hold the hearing. You will be notified by mail of the date, time and place of the hearing. It is best that you attend the scheduled appeal hearing so that you may answer any questions that may arise concerning the application and the appeal.

FEES

When an appeal is requested the following fees apply, depending on which Review Authority you are before, and what type of application you are processing. The fees cover the cost of advertising and mailing, as well as staff evaluation of the appeal and staff report preparation.

APPEALED FROM	APPEAL TO	FEES
Staff Curb, Gutter & Sidewalk Waiver- f If waiver is denied	Board of Supervisors	\$ 312.00
Planning Director Interpretation	Planning Commission	\$ 850.00
Planning Director Public Facilities Fees	Board of Supervisors	\$ 850.00
Planning Director Growth Management Ordinance	Planning Commission	\$ 850.00 + RTB
Building Official	Board of Construction Appeals Board of Handicapped Access	\$ 850.00
Subdivision Review Board	Board of Supervisors	\$ 850.00
Hearing Officer	Board of Supervisors	\$ 850.00
Planning Commission	Board of Supervisors	\$ 850.00

* RTB means the applicant will be billed for costs in excess of fees collected

If you have any questions, please contact the Records Management Division at (805) 781-5600



San Luis Obispo County Department of Planning and Building

County Government Center San Luis Obispo, California 93408 Telephone: (805) 781-5600

Receipt #: 32201200000000000533

Date: 08/23/2012

Line Items:

Case No	Last Name	Tran Code	Description	Revenue Account No	Amount Paid
		APPEAL	Appeal to Board of Supervisors Fee - PDA -4350106	1420000-1000000000-142S23	850.00
Line Item Total:					\$850.00

Payments:

Method	Payer	Bank No	Account No	Confirm No	How Received	Amount Paid
Check	THOMAS S MARTIN		7958	DRC2005-00170	In Person	850.00
Payment Total:						\$850.00
Balance						

MEMORANDUM

DATE: August 24, 2012
TO: JIM ORTON, COUNTY COUNSEL & WHITNEY McDONALD, COUNTY COUNSEL
FROM: NICOLE RETANA, PLANNING
RE: **APPEAL OF COLD CANYON LANDFILL (BY THOMAS MARTIN FROM CCL)**
- COUNTY FILE NUMBER : DRC2011-00043

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