

1-1

**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

PLANNING COMMISSION



*Promoting the wise use of land
Helping build great communities*

MEETING DATE July 26, 2012	CONTACT/PHONE Terry Wahler, Project Manager 805-781-5621	APPLICANT Tim Winsor	FILE NO. DRC2011-00043
SUBJECT Hearing to consider a request by TIM WINSOR for a Development Plan/Coastal Development Permit to amend and modify Development Plan D870020D by removing property and releasing the landowner from all the requirements of the conditions of approval of D870020D including, but not limited to, private road maintenance and associated fees. The applicant indicates that the subject property no longer has a legal right to access Red Mountain Road, the private road in question, having previously relinquished this right. No development or site disturbance is associated with this request. The property is located in the Agriculture Land Use Category east of Red Mountain Road, approximately 3.5 miles east of Highway 1, north of the community of Cambria. The site is in the rural North Coast Planning Area. The property is within the Agriculture land use category.			
RECOMMENDED ACTION Approve Development Plan/Coastal Development Permit DRC2011-00043 based on the findings listed in Exhibit A and the modified conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A General Rule Exemption was issued on June 12, 2012			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Local Coastal Plan, Geologic Study Area	ASSESSOR PARCEL NUMBER 011-291-052	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: None applicable			
LAND USE ORDINANCE STANDARDS: None applicable			
EXISTING USES: Vacant rangeland			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture / Rangeland & dense chaparral <i>East:</i> Agriculture / Rangeland & rural residences <i>South:</i> Agriculture / Rangeland & rural residences <i>West:</i> Agriculture / Rangeland & rural residences			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The request was referred to: Public Works, and Cal Fire			
TOPOGRAPHY: Moderately to very steeply sloping		VEGETATION: Chaparral, oak woodland	
PROPOSED SERVICES: N/A		ACCEPTANCE DATE: May 30, 2012	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

DISCUSSION

PLANNING AREA STANDARDS:
None applicable

LAND USE ORDINANCE STANDARDS:
The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan.

The project site is located within a Geologic Study Area. However, the proposed project does not involve any new development.

COASTAL PLAN POLICIES: This project is in compliance with the Coastal Plan Policies, the most relevant policies are discussed below.

Coastal Watersheds:

Policy 7: Siting of new development: The proposed project is consistent with this policy because no new development is proposed.

Hazards:

Policy 2: Erosion and Geologic Stability: The proposed project is consistent with this policy because no new development is proposed nor does the project increase development potential.

Public Works:

Policy 1: Availability of Service Capacity: The proposed project is consistent with this policy because no new development is proposed nor does the project increase development potential.

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

PROJECT HISTORY

In 1981, Cambria Ranch Incorporated received Certificates of Compliance for eleven lots on the Phelan Ranch property. The Cambria Ranch Road Association (CRRA) was created to maintain the roads within the Ranch. The CRRA's membership includes all eleven property owners.

The goal of Cambria Ranch's landowner at that time was to sell the parcels within the Ranch to individual landowners. Two of the eleven parcels were 150 acres or more in size and could be sold apart from the original landholding without a White Paper from the Department of Real Estate since only parcels smaller than 150 acres were required to obtain a White Paper. Because of the Department of Real Estate requirement, the smaller parcels could not be sold until legal access was obtained and physical road access constructed.

In order to improve the ranch road so that it met the county's rural residential access standards, the owner of Cambria Ranch applied for a development plan/coastal development permit (D870020D). The two larger lots were not subject to the development plan and its conditions of approval. The remaining nine parcels were subject to Development Plan D870020D. This development plan authorized the establishment of an approximately 1.7 mile access road. The nine lots (smaller than 150 acres in size) became subject to the development plan conditions of approval which effectively imposed more stringent conditions on these nine lots. Only these nine parcels are subject to the conditions of approval of the Development Plan. A grading permit was approved and the road work was completed subject to the conditions of approval.

The Development Plan required the creation of a second association, San Luis Obispo County Cambria Ranch Owner's Association (SLOCCROA), to oversee the first 1.7 miles of Red Mountain Road and implement the conditions of approval. The nine parcels subject to the Development Plan and part of SLOCCROA are subject to additional restrictions while the two parcels over 150 acres are not. Although all eleven parcels were initially part of CRRRA (the original association created to maintain the roads within the subdivision), only nine of the eleven parcels are part of SLOCCROA (the road maintenance association developed as a result of D870020D to oversee the first 1.7 miles of Red Mountain Road).

The following table outlines the ownership structure of the parcels within Cambria Ranch and their relationship to the two associations.

APN/Owner	Parcel Size (approximate)	Member CRRRA	Member SLOCCROA	Subject to D870020D	Subject to D000263D
013-021-011; Off The Grid Red Mountain, LLC	135 acres	Released	Released	Released	Yes
011-291-018; Winsor	120 acres	Yes	Yes	Yes	Yes
011-291-021; Leslie	80 acres	Yes	Yes	Yes	Yes
011-291-022; Murray	160 acres	Yes	No	No	No
011-291-023; Off The Grid Red Mountain, LLC	80 acres	Yes	Yes	Yes	Yes
011-291-024; Day	80 acres	Yes	Yes	Yes	Yes
011-291-025; Off The Grid Red Mountain, LLC	63 acres	Yes	Yes	Yes	Yes
011-291-026; Red Mountain Farms, LLC	107 acres	Yes	Yes	Yes	Yes
011-291-036; Kehler	40 acres	Yes	Yes	Yes	Yes
011-291-039; Leak	200 acres	Yes	No	No	No
011-291-052; Winsor	360 acres	No	Yes	Yes	Yes

Since Development Plan D870020D was approved and the associations were created, several significant things have occurred that have bearing on this request. In 2003 the Planning Commission approved a development plan application (D000263D) to modify the conditions of approval. Some, but not all of the requested modifications were approved. The following modifications are noteworthy:

1) One of the requests that was approved released a parcel (APN 013-021-011) --- at that time owned by Mr. Apitz, now owned by Off The Grid Red Mountain, LLC --- from both associations because a land slide in 2000 prevented him from accessing Red Mountain Road and he had previously developed a more direct access road from the west to Van Gordon Creek Road. All members of CRRA and SLOCCROA agreed to release Mr. Apitz from the associations and a judgement by the Superior Court released him from the CRRA. The conditions of approval for Development Plan D870020D were amended (by D000263D) to reflect this change.

2) The request to eliminate the development plan condition that limits residential density to one residence per parcel was not approved and this restriction remains in effect.

3) The request to delete the condition requiring a \$50,000.00 contingency fund to remain on deposit to ensure proper maintenance of sedimentation and erosion control devices along the initial 1.7 mile road segment was denied and this condition remains in effect.

In 2010 Tim and Linda Winsor submitted a development plan request (DRC2008-00005) to modify the Development Plan D870020D conditions of approval to release their property from San Luis Obispo County Cambria Ranch Owners Association (SLOCCROA).

At the hearing a number of issues were brought to light and discussed. One of the most significant involved the focus of the Winsor's request which was release from SLOCCROA. It became apparent that the request should have instead focused on the release from the development plan altogether, not just road maintenance and SLOCCROA.

Another issue discussed at the hearing was a lawsuit brought against the Winsors by two of the landowners within Cambria Ranch in an effort to force the Winsors to pay road maintenance fees for the parcel they had merged into an adjoining parcel. After lengthy testimony and discussion, the Planning Commission denied development plan DRC2008-00005 in part due to these unresolved issues. This action was appealed by the Winsors and was heading to a Board of Supervisors appeal hearing when the Winsors withdrew the application. They decided to re-focus their request and apply for a new development plan. The current request focuses on the removal of the property from the development plan instead of just requesting release from SLOCCROA as they had previously. Additional uncertainties such as the then pending lawsuit appear to have been resolved. (The Winsors have indicated to staff that the lawsuit was settled and they were released from having to pay road maintenance dues to CRRA).

CURRENT REQUEST

The applicant is requesting that a portion of his undeveloped rangeland property---once a separate legal parcel and now merged with a larger adjacent parcel---no longer be subject to the Cambria Ranch Road development plan D870020D and its conditions of approval since there is no plan to develop the portion of the merged parcel located within Cambria Ranch. Access rights to Red Mountain Road have already been relinquished and the property would no longer be subject to any of the conditions of approval.

The applicant offers as the basis for this request the following:

- 1) The subject property has never been developed for rural residential purposes as was assumed when the original development plan was approved.
- 2) The Winsors do not use the roads within the Cambria Ranch development for residential access to this property.
- 3) The subject property has been merged with a large parcel east of and outside the Cambria Ranch development owned by the applicant and used for grazing cattle.
- 4) The property was placed in a Land Conservation Contract under the Williamson Act program.
- 5) The Access easement was deeded back to the adjacent landowners and the right of access to the roads within the Cambria Ranch development has been legally relinquished.
- 6) The Winsors gave up the right to sell the subject property as a separate legal parcel when they merged the property with the adjacent rangeland parcel.
- 7) An alternative access route exists (both physical and legal) for the merged parcel through the San Simeon Creek Ranch Road Association.
- 8) The Winsors pay road maintenance to this association on a regular basis.

WINSOR PROPERTY CHRONOLOGY

Lot line Adjustment

Through a lot line adjustment, Mr. Winsor acquired 40 acres of adjacent Parcel 16 within Cambria Ranch, increasing his 40 acre parcel (Parcel 17 – the subject of this request) to 80 acres.

Lot Merger

Mr. Winsor also acquired an adjacent 280 acre property east of, but outside Cambria Ranch, and later merged these two legal parcels --- the enlarged Parcel 17 within Cambria Ranch and the 280 acre parcel outside the Ranch --- thus giving up a legal parcel. The implications of the lot merger are significant. The merger effectively eliminated the 80 acre parcel within the ranch as a separate saleable property, eliminated the potential for an additional residence on the 80 acres within the ranch, and eliminated potential vehicle trips that would have resulted from an additional residence through the Ranch via Red Mountain Road.

Land Conservation

Since Mr. Winsor is a cattle rancher and the use of this parcel is solely for rangeland, Mr. Winsor placed the parcel under a Williamson Act land conservation contract after the parcels were merged. The contract further limits residential density as well as other non-agriculture related land uses.

Access to the Merged Parcel

When the parcels were merged, the 80 acre area within Cambria Ranch formerly known as Parcel 17, gained legal access through newly acquired property to San Simeon Creek Road. Mr. Winsor currently contributes to road maintenance on San Simeon Creek Ranch Road to the San Simeon Creek Ranch Road Association. The result was that Mr. Winsor's merged parcel

belonged to two property owner associations and he had two monthly maintenance fees to pay. Because of this duplication, and the fact that the access route to San Simeon Creek Road was more direct and already constructed, Mr. Winsor quitclaimed the easement rights through Red Mountain Road back to the affected land owners within Cambria Ranch Road. Thus, the merged parcel no longer has legal access through the Ranch for this parcel.

Relinquishing the Easement by Quitclaim

On August 23, 2006, a Quitclaim Deed was recorded (Document No. 2006-059627) effectively releasing the Winsor's Parcel 17 easement rights over parcels within Cambria Ranch for access through Cambria Ranch via Red Mountain Road.

Settlement of Lawsuit

According to the Winsor's Attorney, Cynthia Hawley, the law suit seeking back payments of road fees on behalf of the Cambria Ranch Road Associations was settled in 2011 pursuant to a settlement agreement between the parties.

Funding Cambria Ranch Road Maintenance

When rural subdivisions are approved, or as in this case, when a discretionary approval is required to approve a rural road serving multiple existing parcels, the county typically requires that an organization be formed to provide for ongoing private road maintenance. Formation of a property owners association is required in the conditions of approval and responsibilities are assigned for road maintenance and other requirements as may be needed to serve the rural residents.

Also a consideration in this situation was a concern about potential landslides since much of the area is in a geologic study area combining designation. In fact, the Apitz parcel was released from the association because he had developed a shorter access from the west and a large landslide had occurred on an intervening parcel that led back to Red Mountain Road.

It is not possible to determine the probability of a major landslide on Red Mountain Road. What we do know is that no major landslides have occurred along the roadway in the years preceding improvement of the road and no major landslides have occurred since the road was constructed some 20 years ago. It should be noted that a Final Environmental Impact Report was certified for the original development plan (D870020D), the geologic issues were thoroughly evaluated and mitigation measures were proposed at that time, one of which was a \$50,000 contingency fund for road maintenance. Currently Red Mountain Road is regularly maintained and staff is not aware of any major maintenance problems to date, although regular maintenance is necessary.

The implications of a major landslide are primarily monetary, the larger the failure the greater the expense for the associated repairs. The more land owners that are required to contribute, the greater the ability to spread the costs of the repair.

Key Issue

The key issue is whether the potential for a major road failure (and concern about reducing the number of participant-parcels in the road maintenance) outweighs the concerns of Mr. Winsor that the merged parcel has an alternative, more direct access route to San Simeon Creek Road, via a private road east of Red Mountain Road; that Mr. Winsor pays fees for this eastern access road and that he should not have to pay for road maintenance on Red Mountain Road within Cambria Ranch for a parcel that does not use the road.

Conclusion

In balance, staff feels that Mr. Winsor gave up significant rights when he merged the two parcels, including potential residential development and the ability to sell the property within Cambria Ranch as a separate parcel. He also gave up development rights when he placed this merged parcel into the Williamson Act for the term of the contract.

The access route through San Simeon Creek Road is shorter and more direct and it doesn't seem appropriate for Mr. Winsor to pay into two road maintenance funds, one of which he does not currently and cannot use in the future.

In addition, Mr. Winsor still owns another parcel within Cambria Ranch north of the subject property that he pays road fees on. Should there be a major road repair needed, he would be required to contribute to the cost of the repair.

The potential for additional requests to remove parcels from the road maintenance association is unlikely since it does not appear that other practical alternative access routes exist for the other property owners within Cambria Ranch due to existing parcel locations, parcel configurations, creeks and topography. Therefore staff is recommending approval of the request.

AGENCY REVIEW

The County Public Works Department and CAL Fire reviewed the request and had no concerns regarding this request.

Staff report prepared by Terry Wahler and reviewed by Warren Hoag.

EXHIBIT A - FINDINGS

Development Plan

- A. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies. No new development is associated with this development plan amendment and modification request.
- B. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- C. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because no new development and no site disturbance is associated with this development plan amendment and modification request. The property will continue to be subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- D. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development and will not conflict with the surrounding lands and uses because the development plan amendment and modification does not involve new development or site disturbance.
- E. The proposed project or use 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 request because the development plan amendment and modification does not involve new development and the existing alternative access road (under the San Simeon Creek Ranch Road Association) is constructed to a level that is consistent with the current level of vehicular use.

Coastal Access

- F. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the property is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

Archeological Sensitive Area

- G. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because no new development is proposed with this project.

CEQA

- L. This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption]

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes the modification of the conditions of approval for Development Plan/Coastal Development Permit D870020D (previously modified by D000263D), as follows:
 - a) The property affected is described as: C.C. O.R. 99-007545 which is a portion of APN 011-291-052, legal description: Lot 1 of Voluntary Merger (V.M. O.R. 2001-007998).
 - b) The above described property is no longer subject to the conditions of approval for Development Plan/Coastal Development Permit D870020D (previously modified by D000263D).
 - c) The above described property is removed from the site plan for Development Plan/Coastal Development Permit D870020D (previously modified by D000263D).
2. This permit is valid from the effective date of approval and remains effective in perpetuity unless further amended or modified by a subsequent development plan.

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

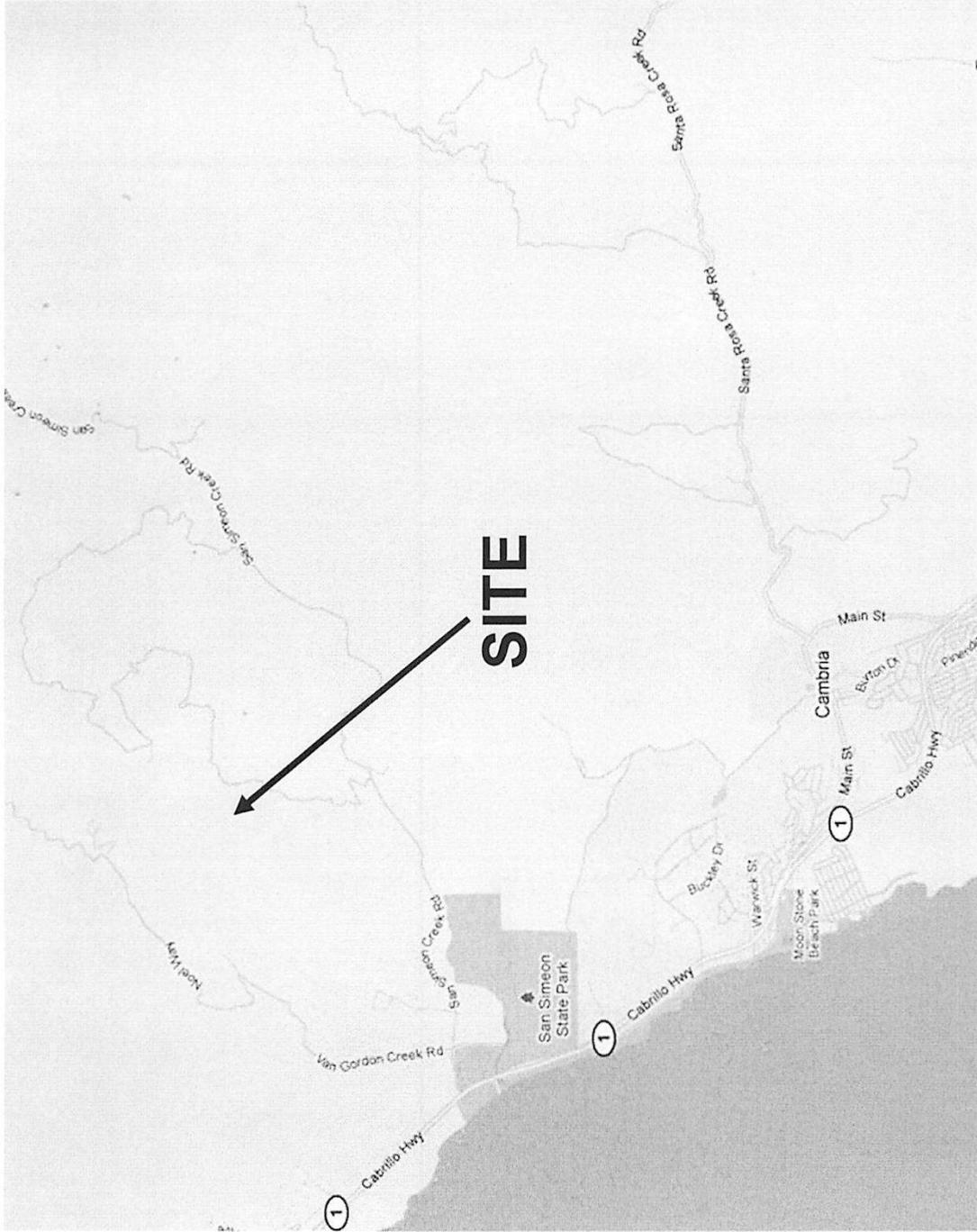


EXHIBIT VICINITY MAP



PROJECT DRC2011-00043/ WINSOR DEVELOPMENT PLAN

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

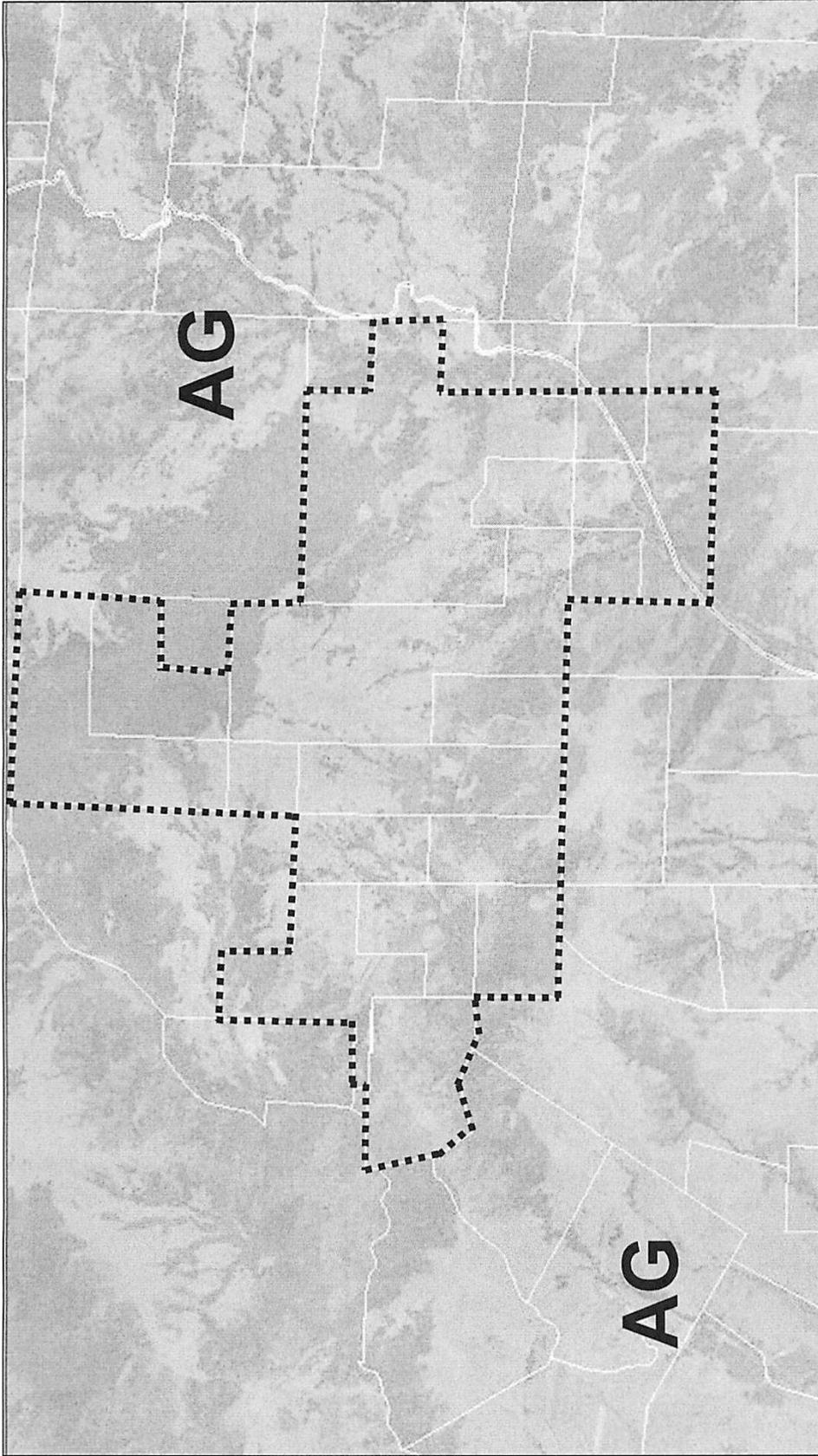
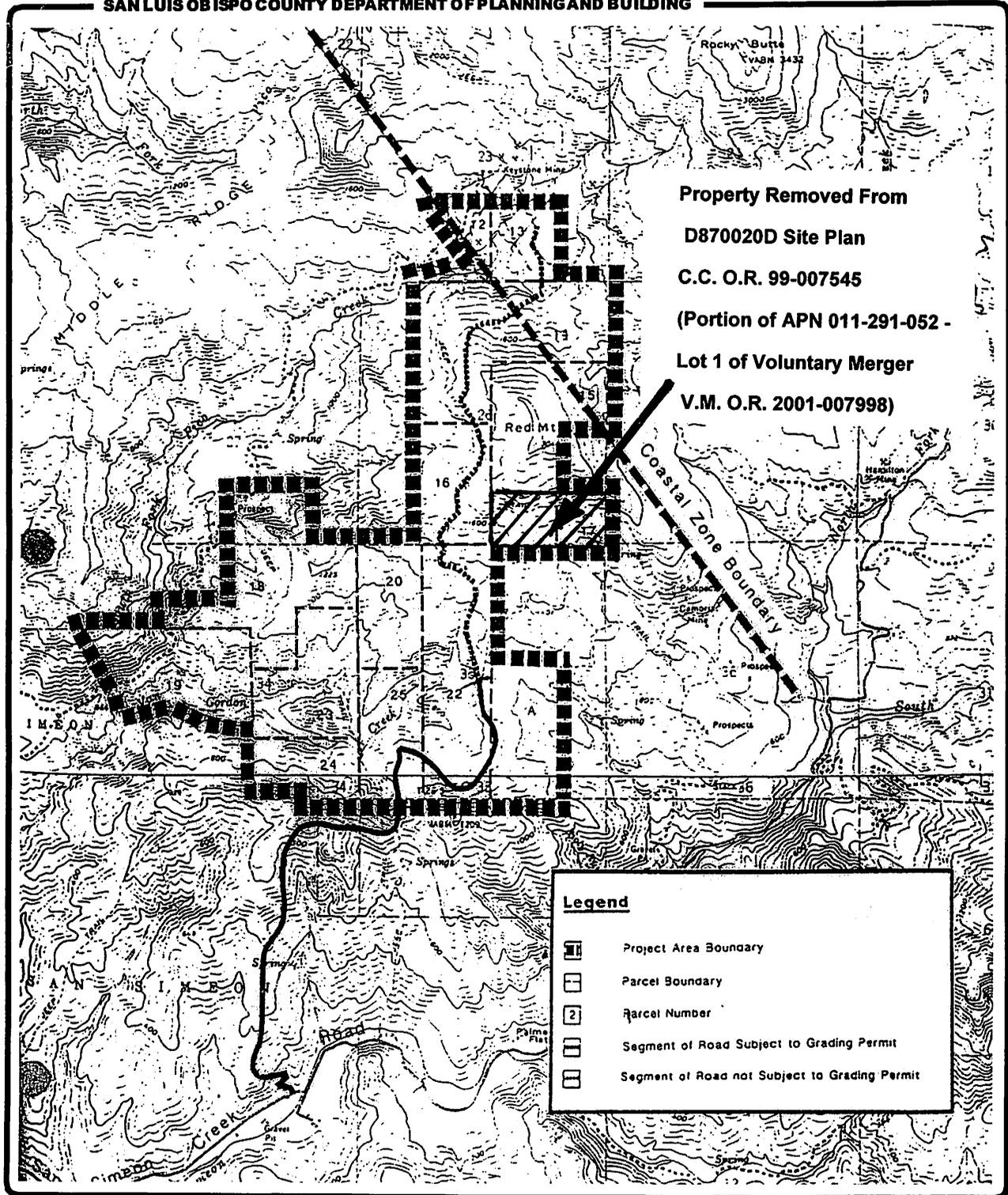


EXHIBIT
LAND USE CATEGORY MAP



PROJECT
DRC2011-00043/ WINSOR
DEVELOPMENT PLAN

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING



PROJECT
Winsor / Cambria Ranch
DRC2011-00043



EXHIBIT
Amended D870020D Site Plan

File

PLANNING COMMISSION
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Thursday, March 13, 2003

PRESENT: Commissioners Wayne Cooper, Doreen Liberto-Blanck, Eugene Mehlschau, Pat Veasart, Chairman Bob Roos

ABSENT: None

RESOLUTION NO. 2003-15
RESOLUTION RELATIVE TO THE GRANTING
OF A DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT

WHEREAS, The County Planning Commission of the County of San Luis Obispo, State of California, did, on the 13th day of March, 2003, grant a Development Plan/Coastal Development Permit to HILDA LESLIE to modify conditions of an approved Development Plan D870020D to reflect current requirements related to mine tailing road base and fire suppression and to release a landowner who no longer uses Cambria Ranch Road for access from the road maintenance association (San Luis Obispo County Cambria Ranch Owners Association), in the Agriculture Land Use Category. The property is located in the county on Red Mountain Road approximately 4 miles east of Highway 1, north of the community of Cambria, APN: 013-061-013, 011-291-018, 021, 023, 024, 025, 026, 036, 045, in the North Coast Planning Area. County File Number: D000263D.

WHEREAS, The Planning Commission, after considering the facts relating to such application, approves this Permit subject to the Findings listed in Exhibit A.

WHEREAS, The Planning Commission, after considering the facts relating to such application, approves this Permit subject to the Conditions listed in Exhibit B and C.

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission of the County of San Luis Obispo, State of California, in a regular meeting assembled on the 13th day of March,

Hearing Officer
Development Plan/Coastal Development Permit # D000263D/Hilda Leslie

EXHIBIT A - FINDINGS

Development Plan

- A. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- B. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- C. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- D. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses.
- E. The proposed project or use 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 the project is located on a road constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

- F. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

Archeological Sensitive Area

- G. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because no new development is proposed with this project.

CEQA

- H. No subsequent changes are proposed in the project which will require important revisions of the EIR previously prepared for the North Cambria Ranch Road Development Plan; D870020D, due to the involvement of new significant environmental impacts not considered in the previously prepared EIR for the project.
- I. No substantial changes have occurred with respect to the circumstances under which the project is being undertaken which will require important revisions in the EIR due to the involvement of new significant environmental impacts not covered in the previously prepared EIR for the North Cambria Ranch Road Development Plan; D870020D.
- J. No new information of substantial importance to the project has become available that was not known or could not have been known at the time the EIR was previously certified for the North Cambria Ranch Road Development Plan; D870020D.
- K. The proposed project will not cause significant environmental effects.
- L. The project is consistent with the previously-certified EIR for the North Cambria Ranch Road Development Plan; D870020D (ED02-367).

Hearing Officer
Development Plan/Coastal Development Permit # D000263D/Hilda Leslie

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes the modification of conditions of approval of Development Plan/Coastal Development Permit D870020D to reflect current requirements related to mine tailing road base and fire suppression and to release a landowner who no longer uses Cambria Ranch Road for access from the road maintenance association (San Luis Obispo County Cambria Ranch Owners Association). The proposed conditions of approval modifications are attached in exhibit C.

2. This permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050.

EXHIBIT C CONDITIONS OF APPROVAL
Cambria Ranch Road D000263D:
Proposed Modifications to Conditions of Approval D870020D

Approved Use

- 1-a. This approval authorizes the establishment of an approximately 1.7 mile access road over the Phelan and North Cambria Ranch commencing at San Simeon Creek Road and terminating at the end of the project boundary (shown as "area subject to grading permit" D870020D:B).
- 1-b. The conditions of approval listed below apply to the road bed and the parcels within the Cambria Ranch landholding as shown on Exhibit D870020D:B for the purposes of meeting mitigation for secondary environmental impacts as identified in the FEIR.

Minor Use Permits Required

2. Minor Use Permit approval is required for all future development of parcels served by the access road covered by this Development Plan within North Cambria Ranch (all existing parcels shown within the project area boundary shown on Exhibit D870020D:B) unless a Development Plan would otherwise be required under the Coastal Zone Land Use Ordinance.
 - 2a. All parcels served by this access road shall be, limited to single primary residence. No secondary residences, guest houses, or farm labor quarters shall be allowed.

Revised Site Plan

3. Prior to the issuance of grading permits, submit to and receive county approval of a revised site plan showing the following items:
 - a. Additional road turnouts.
4. The revised site plan shall be incorporated into the project's grading and drainage plans.

Grading and Drainage Plans

5. Submit grading, sedimentation and erosion control, and drainage plans prepared in accordance with the requirements of Section 23.05.028, 23.05.036 and 23.05.044 of the county Land Use Ordinance to the Department of Planning and Building for review and approval and obtain an approved grading permit within 180 days of this approval date. If so required, review of the plan shall be subject to an inspection and checking agreement with the Engineering Department and/or the plan shall be prepared by a registered civil engineer.

Landscaping Screening

6. Prior to issuance of a grading permit, the applicant shall submit landscape, irrigation,

landscape maintenance plans and specifications as required by Sections 23.04.180 through 23.04.186 of the Land Use Ordinance to the Planning and Building Department for review and approval. Plans shall address the following:

- a. Typical landscape plans for road sections based on cut and fill slopes.
 - b. Revegetation of all cut and fill slopes with native vegetation of non-invasive plant species appropriate for slope stabilization in accordance with the Coastal Zone Land Use Ordinance Section 23.04.180.
 - c. Detailed species list including proposed container size.
 - d. Planting schedule and installation techniques.
 - e. Ongoing maintenance program.
7. Landscaping in accordance with the approved landscaping plan shall be installed prior to issuance of the grading permit.

Agency Clearance

8. Prior to finaling of the grading permit, the applicant shall submit to the Planning Department letters indicating the developer has successfully completed all items required by the following agencies/ departments:
- California Department of Fish and Game
 - Regional Water Quality Control Board
 - County Environmental Health Department
 - County Engineer
 - State Department of Health Services
 - California Department of Forestry
 - County Sheriff
 - Air Pollution Control District (dust from mine tailings)
9. Construct water supply facilities for fire suppression prior to finaling any grading or residential construction permits.
10. The applicant shall submit a fire safety plan to the California Department of Forestry/San Luis Obispo County Fire Department for review and approval in accordance with Section 23.05.082 of the Land Use Ordinance. The approved-plan shall be submitted to the Department of Planning and Building prior to finaling the grading permit or any residential construction permit whichever occurs first.

Covenants, Conditions and Restrictions

The following Conditions of Approval #12 through #16a do not apply to Parcel 19 whose current legal description is COAL94-126, lot 2 (1/3/03).

11. The developer shall submit proposed covenants, conditions and restrictions for the subject property to the county Department of Planning and Building for review and approval, prior

to finalizing the grading permit.

12. The developer shall form a property owners' association (homeowners' association) for the area within the subject property, so as to administer the CC&R's as noted above, and it shall conform to the requirements of the State Department of Real Estate.
13. The developer at a minimum shall provide the following provisions in the CC&R's:
 - a. Road maintenance.
 - b. Landscape/slope revegetation.
 - c. Gate locations and access control.
 - d. Protection of archaeological resources/survey required for any(future development.
 - e. Limitation on terrain disturbance for future road access to individual building sites, requirements to obtaining permit or clearance from County Department of Planning and Building prior to any grading activities.
 - f. Building prohibition on any landslide area, in accordance with CZLUO/LUE requirements.
 - g. Botanical survey required for any future development.
 - h. Minor Use Permit required for any future residential development of North Cambria Ranch unless another higher level of review would be required by the Coastal Zone Land Use Ordinance such as a development plan.
 - i. Requests for residential development shall demonstrate that an adequate domestic water supply is available prior to Minor Use Permit application acceptance.
 - j. Engineered on-site wastewater systems required.
 - k. Individual parcel owners subject to conditions of approval for Development- Plan D870020D and Developers Statement on file with County Department of Planning and Building.
 - l. All parcels served by this access road shall be limited to single primary residence. No secondary residences, guest houses, or farm labor quarters shall be allowed.
14. A certificate of deposit or similar guarantee in the amount of fifty thousand dollars (\$50,000) shall be obtained by the developer to be held by the property owners association to ensure proper maintenance of sedimentation and erosion control devices. along the 1.7 mile road segment covered by this development plan. The guarantee to be held by the developer until such time the last parcel is sold at which time it shall be carried by the property owners association. A letter of credit (or similar guarantee) shall be carried by the applicant until the accumulated property owner assessments for the Emergency Capital Improvement Account totals \$50,000.00.
 - a. The developer shall secure a certificate of deposit or similar guarantee) in the amount of \$22,500.00 to ensure completion of project mitigation measures to be held until all mitigation measures 'have completed subject to review and release by the Environmental Coordinator (Refer to letter dated August 9, 1989, from Cambria Ranch).

Agreement

15. Prior to issuance of any permits on any parcels or within 90 days of project approval whichever occurs first the developer shall enter into an agreement with the county in a form acceptable to the County Counsel, whereby the developer agrees, on behalf of himself and his successors in interest, to adhere to the following provisions/ conditions listed under "Environmental Mitigation Measures."

Environmental Mitigation Measures

Note: These conditions reflect those statements incorporated as recommendations in the EIR and agreed to by the applicant in the Developer's Statement for the project. In some instances they reflect agreement to follow ordinance requirements; something that would be required whether they were in agreement or not. In addition, some of these measures are duplicative of earlier standards. They are repeated here to clarify the extent of project modifications covered by the Developer's Statement with minor modification to facilitate administration.

16. The project applicant agrees to construct additional turnouts along the project road which will be designed by a registered civil engineer and approved by the County. The project applicant further agrees to archaeological monitoring when grading for turnouts which may be proposed in archaeologically sensitive areas, as identified in the archaeological report prepared for the EIR. It is planned that regular maintenance of the road will be provided by agreement through the existing, recorded, Property Owner Road Association CC&R's, or under agreement between the County and the property owners association, or by a County Service Area, or an Assessment District. The applicant agrees to accept any one of the four alternatives. The Road Association, if in charge of the maintenance, shall have a contract reviewed and approved by the Department of Planning and Building negotiated on an annual basis with a local construction firm to provide regular maintenance on the road.
17. Project applicant shall complete erosion control planting for all road cut and fill slopes in excess of twelve (12) inches in height.
18. The project applicant agrees and the County shall require that enforcement of the Uniform Building Code (Title 19) by the county should be enforced in the future and applied to any construction in the project area.
19. Project applicant agrees and the County shall require that building in any landslide hazard area will be prohibited by the County, and that, geologic and soils data must satisfy the Chief Building Official prior to any building permits being issued.
20. The project applicant agrees and the County shall require that the county Engineer shall approve all site drainage and erosion control plans in conjunction with any residential development in the project area. The applicant also agrees to apply an oil emulsion dust binder (D.O.P.E. 30) to the road as suggested in the EIR.

21. The project applicant has had a plan prepared for habitat rehabilitation on the project road site alignment, and will implement the plan this fall and winter, upon approval of the EIR.
22. Project applicant agrees and the County shall require that residential development shall not be located on areas that contain sensitive habitat. Applicant also agrees that portions of the parcels not improved for residential purposes should be included in easements dedicated to the county for the preservation of plant habitat. Applicant agrees to a condition of approval being placed on the Development Plan which would require that a qualified botanist perform a botanical survey of each parcel proposed for development, including but not limited to driveways, building sites, leach fields, or any other type of grading.
23. Project applicant has a county and Coastal Commission approved sedimentation and erosion plan for the project road, but agrees that any further requirements for drainage improvement and erosion control on the project road and for residential construction must be approved by the County Engineer prior to any future residential construction taking place.
24. Project applicant agrees and the County shall require that future applicants for residential development permits be required to submit evidence to the County Engineer that an adequate source of domestic water supply is available prior to any permits being issued.
25. Project applicant agrees and the County shall require that an on-site wastewater system be designed by a Registered Civil Engineer and approved by the appropriate County Departments prior to issuance of residential construction permits by the County. Any material from the alignment of the project road which may be displaced from the roadbed by landslide or seismic event shall be removed by the property owners association (or other responsible maintenance entity) within a reasonable period of time.
26. The project applicant is agreeable to and the County shall require the use of a new CSA, or CSA 21, or the current Road Association with recorded CC&R's, or by means of a development agreement between the association and the county, or an Assessment District, to maintain the project road and for road maintenance enforcement. The applicant has an existing Road Association and has written into the Property Owners Road Maintenance CC&R's, that the Association will maintain the access road in the project area through an annual assessment. The road maintenance shall include, but not be limited to repair and maintenance of the surface of the road, road grading, prevention of deterioration of roadway and easement area, cleaning of culverts, protection of roadway and easement from deterioration from construction vehicles, construction of- any new drainage facilities needed, cleaning of siltation basins and right of ways as needed, and placement of red rock or gravel as needed from time to time, or as required by the County of San Luis Obispo. The applicant has already set up a Capital Improvement Fund at Bank of America in Cambria which is to be used only for major road repairs and emergencies as needed over and above the annual maintenance requirements. The normal road maintenance is currently proposed to be paid for through annual assessments to each parcel owner as required in the CC&R's.
27. The project applicant shall allow County Fire and Sheriff to provide locks on the project's

road on the multi-lock system.

28. The project applicant agrees and the County shall require that the Fire Department provide a list of building standards, site development standards and any other requirements to property owners that must be met to minimize fire risk to the maximum extent possible. Applicant also agrees that it be required that all inhabited buildings have a total coverage quick response residential sprinkler system installed. Applicant further agrees and the County shall require, that owners of parcels in the project area be required to work with the California Department of Forestry to develop a vegetation management program prior to any building permit being issued.
 - a. All road sections with grades in excess of 15% shall be improved with all weather surfaces in accordance with CDF standards. Maximum grade shall not exceed 25%.
29. The project applicant agrees that a qualified archaeologist perform an archaeological investigation of any area on each parcel that is proposed for development, to identify any potential presence of archaeologically significant resources. The study to include all areas to be disturbed during development. Applicant is aware and agrees that a Minor Use Permit will be required for any development on each parcel. If significant resources are discovered during construction, work shall immediately be halted by the property owner and the proper authorities be notified, in accordance with CZLUO/LUE and CEQA requirements.
30. The project applicant has prepared a revegetation plan for the lower portions of the project road alignment, and will implement any portions of the plan not already implemented within 60 days of project approval.

Attachment 6

1-23

From: Curtis Leslie <counterfactory@sbcglobal.net>

To: mjanssen@co.slo.ca.us

Cc: cduffysmith@mdstlaw.com

Date: 07/04/2012 02:51 PM

Subject: Winsor hearing

Mr. Janssen, attached find the Winsor Coastal Commission Hearing notice DRC 2011-00043 permit to modify DP D870020D. Winsor's attempt to be released from SLOCCROA & CRRRA.

Brief history: In 2006-2007 as CRRRA Board member Winsor voted himself out using both of his votes as owner for parcel 15 & 17. I objected, first because there is no way out of the association other than to sell and secondly I objected to the obvious conflict of interest as a Board member his votes represented.

As you can see from the letters I sent you yesterday, we involved the County in 2006 -2007 and Mrs. Neder referred this matter to Code Enforcer, Ms. Cowan for enforcement. No action was taken.

As you can see from SLOCCROA CC&R's, San Luis Obispo County is contractually obligated to enforce the SLOCCROA CC&Rs as party to this agreement.

If you read the SLOCCROA CC&Rs you will see that membership in the association is determined by ownership and it is binding.

If you read the Covenant to Pay you will see that the obligation to pay dues cannot be avoided in anyway.

From 2006 to the present we have made repeated attempts to have the County enforce this matter. In 2008 we met twice with the County, once with Mr. Robison and once with Mr. Nall (we have documentation). At these meetings I was told by Mr. Nall " that we did not need an attorney, the County will take care of this". Two years later I called Mr. Nall asked what was being done to resolve the Winsor breach of contract by failure to pay and was told, "these things take time and I would have to be patient".

Two years later we get notice of a Planning Commission hearing where Mr Wahler has recommended Winsor's release for parcel 17 (APN 011-291-052) from CRRRA/SLOCCROA. Among the reasons given for Mr. Wahler's support in recommending release were the easement across parcel 17 was not used. This proved to be untrue. There was no apparent slide. This too was untrue. The dues did not go up, this is now also untrue. Mr. Winsor has not lost the benefit. The recommendation was rejected and the Planning Commission voted it down, Mr. Winsor was not released from his contractual obligation, yet Mr. Winsor continues to not pay dues as required by law for parcel 17 and the County continues not to enforce as required by law.

This is the second attempt by Mr. Wahler and the County to find and support Mr. Winsor's release. What I find interesting is that over the last six years, despite the fact that directly involves our interests, we have not been included in this discussion. In light of the fact that the County has repeatedly failed to enforce the SLOCCROA CC&Rs as they are contractually obligated and has granted Mr. Winsor special consideration, one might ask why?

Winsor Construction is annually awarded millions in County contracts. Winsor Construction, equipment and workers were recently involved in illegal unpermitted work in and around Van Gordon Creek, Mr. Winsor's son, Clint, was even involved in illegal clearing of trees in sensitive wetland, yet the County gave no citations to Winsor Construction, Mr. Winsor or to anyone involved. As a County official I am sure you realize even the appearance of impropriety can be damaging to ones career.

As you can see from this notice, Mr. Wahler and the County are once again helping Mr. Winsor in his attempt to breach his contract, despite the obligation of the County to enforce SLOCCROA CC&Rs. I find this very troubling. Considering the Counties failures to take action to enforce as requested over a period of years and having been told repeatedly "that these things take time" and "this is a civil matter", Mr. Winsor is afforded so much attention from the County yet avoided all consequences for his illegal actions.

It is undeniable that Mr. Winsor has received special consideration from the County. I can only speculate as to the reason why.

Simply, the County has no legal authority to release a member from either Association. The only authority that the County does have, which is to enforce, they have failed to execute as required by contract. In the process it has cost me tens of thousands in legal bills, caused me and my family emotional and personal harm, denied us our property and legal rights, specifically, equal protection under the law.

Mr. Janssen, I assure you this will be added to my complaint against the County. The only question I have, will this complaint be a civil action or a criminal one?

For the record, my APN is 011-291-021 not as listed on my notice.

Mr. Janssen, we have met. I have handed you written questions and proof of the County's legal responsibilities. I expect an immediate reply. It is time for the County to take immediate action and stop this nonsense.

Curtis J. Leslie