



Proposed development on Blacklake Golf Course

Diana Jackson to: sfuhs@co.slo.ca.us

03/09/2015 07:43 AM

From: Diana Jackson <[REDACTED]>
To: "sfuhs@co.slo.ca.us" <sfuhs@co.slo.ca.us>
Please respond to Diana Jackson <[REDACTED]>

Dear Ms. Fuhs,

We have been residents of the Crown Pointe section of Blacklake for fifteen years. We paid a premium price for our home and the view of the lakes and golf course so our retirement years began with beauty and tranquility. We accepted the fact that the lakes are now dried up holes and the noise, traffic, and pollution of Willow Road since its expansion has disrupted our peace and quiet, but the Rossi plan to build a long line of bungalows literally in our back yard is just not acceptable. In addition to the negative impact on our quality of life the new golf course configuration will result in our house being hit by golf balls.

In short our objections are the same as those voiced by the Fairways Board of Directors last month. We oppose this as I am sure you would if you were in our position. Surely there must be other options to correct the problems with the golf course.

Jim and Diana Jackson
[REDACTED]
[REDACTED]

cc: Lynn Compton

KIT CARTER

[REDACTED]
[REDACTED]

March 6, 2015

Stephanie Fuhs, Planner
Department of Planning and Building
976 Osos Str., RM 300
San Luis Obispo, CA 93408

Subject: Blacklake-Specific Plan Amendment Request

Dear Ms. Fuhs,

This letter serves to point out a number of negative impacts associated with this request and to offer up specific counter points to the subject Request itself. It is requested that this letter be included in the agenda package or otherwise provided to the Board of Supervisors before the pending Authorization Hearing to consider the request. Thank you.

Prologue

The Blacklake Specific Plan, originally adopted 30 years ago, was designed to create a planned development around a golf course. To protect that concept, there is a requirement for an open space easement, congruent with the golf course, to be offered to the County in order to protect the "visual resource" inherent with the golf course. This easement has yet to be realized and it falls to the County to address this matter.

The CC&R's for Blacklake were also created 30 years ago. This document declares the golf course to be "non-residential", meaning that residential development is prohibited. Unless and until an amendment to those CC&R's is approved to remove that prohibition, it appears that the county could neither issue permits for construction and/or allow the recording of requisite tract maps; a very serious impediment.

These two documents, the Specific Plan and the CC&R's, were done at the same time and are in concert with one another with intent to create the Village of Blacklake as we know it today. Essentially, these two documents represent a "deal" between the county, developer and future homeowners, one that homeowners "bought into" and who are dependent upon not only for their term of ownership but for resale value as well.

In 2001, the golf course was purchased by Rob Rossi who shortly afterward announced plans for development on the golf course. Because there were preexisting golfing privileges that he declined to honor, he subsequently sued the Black Lake Management Association, but then offered essentially those same privileges in a *settlement agreement* in exchange for Association support of his development. The Association signed this agreement, unaware (at that time) that it was in violation with its own CC&R's. Interestingly enough, the golf course property is also subject to the same CC&R's thus putting Mr. Rossi, as owner of the golf course, in the same position of violating his own CC&R's. (It is noted that while the Master Association may be subject to the agreement, it has been determined that the seven individual sub associations within Blacklake and all individual homeowners are not subject to that same obligation.)

SUPPLEMENTAL PROJECT STATEMENT

History

The operative statement in this section describes two main components, (1) a hotel to replace the existing clubhouse and (2) dwelling units at various locations on the golf course.

The *hotel element* appears to have merit since it would provide for "stay & play" and tournaments, aspects which would arguably improve the revenue stream for the golf course.

The *dwelling unit element*, however, is very problematic. It is a violation of the CC&R's. It is not compliant with the Specific Plan requirement for an open space easement. The claimed offsets re water use are questionable since the data used is based on unmetered wells for irrigation; a third party analysis is really needed to determine the veracity of this data. (It is noted that water supplies are a common denominator concern with our County Board of Supervisors.)

The Blacklake Waste Water Treatment Plant (owned & operated by Nipomo CSD) exists to serve only the Village of Blacklake. All discharge *must* go to the golf course. As provided in the Specific Plan, the location of this plant, and its adjacent 40-acre discharge area, is strategically placed well away from existing development. However, the largest group of proposed homes would not only be in close proximity to the WWTP, it would overlay virtually the entire discharge area. This would not only present major challenges to find alternate areas to use treated wastewater anywhere else on the course (there is a minimum 100-foot setback from homes for use of this water), it also may well trigger a requirement by WQCB to increase the level of current treatment from primary to secondary or even tertiary at a cost upwards of \$10M (per NCSD). This would have a huge impact on existing homeowners.

There are also issues with respect to impacts upon the very fabric and culture of our community, not to mention loss of views by those who paid premiums, construction noise for several years, permanent noise as a result of traffic, and safety issues among others. Simply stated, Blacklake Village, as a planned development, is arguably a "closed book" and the proposed development, except perhaps for the hotel, is not what the 555 existing homeowners bought into.

This section of the Statement concludes by saying that “both components are necessary, complimentary. . .”. Not so. The proposed dwelling units on the golf course are not at all complimentary. They would not result in an increase in rounds of golf even indirectly; rather they would result in a sub-par golf course because many existing holes would be shortened, in some cases drastically. This would not only “dumb down” the golf course, it would be deleterious to the success of the hotel!

SETTING AND BACKGROUND

The characterization set forth in the third paragraph of this section is incorrect. First of all, the economic situation was not dire in 2004 and therefore was not the impetus for the referenced agreement. The truth is that the agreement was a *settlement* as the result of the lawsuit mentioned above and therefore important to note for the record.

In the next paragraph, the proposed development is described as similar in size and placement to a scope of development set forth in that agreement. Not so. When compared to the application before you, one can see that the hotel with its 120 rooms, plus upwards of 200 dwelling units *far exceeds* the “2006 plan” with only a 60-room lodge and 60 homes. Point being that the proposed development in the application is *three times* the size as was originally proposed and that would substantially magnify the impacts.

PROJECT OBJECTIVES; VILLAGE RECREATION

Notwithstanding the hyperbole, in a nutshell this section touts the objective of increasing golf course revenues with the building of a hotel. Again, this element appears to make sense.

Summary

Simply stated, the application to amend is not a good fit. Homes on the golf course are problematic for a number of reasons. The scope of the proposal needs to be reduced. It is well understood that the golf course property is overleveraged but the existing homeowners should not take the hit for that! If restoration of the golf course is the question, the answer could be a hotel and a badly needed upgrade of the golf course.

Recommendation

Direct the Applicant to first resolve the issues set forth above and then reapply with a revised/reduced scope.

Kit Carter

March 5, 2015

Stephanie Fuhs, Project Manager
San Luis Obispo County Planning and Building Department
976 Osos Street, Suite 300
San Luis Obispo, CA 93401

Regarding: Blacklake Golf Resort, LLC development plans

Dear Ms. Fuhs,

Black Lake Village is a unique and pleasant area. We enjoy peace, quiet, almost no crime, minimal traffic, and perfect weather. Our neighborhoods are well maintained due to our Rules & Regulations and CC&Rs. Everyone knows and watches out for each other because of their friendships through clubs, classes, committees, and, of course, golf.

A vast majority of our residents are retirees, many now in their 80's, who purchased their homes in the 1990s when they were new— and relatively inexpensive. With the open lot concepts (and minimal fencing allowed), most thought they would never need to move again from the ideal, park-like setting. These qualities continue to attract senior citizens from all areas.

Contrary to some opinions, we are not all rich. Most of us are on fixed incomes and many are struggling to make ends meet, especially with increasing medical expenses. Add to that our tremendous water & sewer bills which have tripled over the years— \$205 of our NCSO bi-monthly bills are fixed and are due to increase. No amount of water conservation can alter that.

If this proposed development expansion proceeds, our Village will be transformed into an area of transitory visitors who do not share our values, ethics, or consideration. Just contemplate the amount of additional people who will be passing through each year in our community of 555 homes:

Proposed @ 100% occupancy:

Hotel	100-120 units	2 people per room	½ week stay	400- 480 visitors/week
Time shares	11- 30 units	2 people per room	1 week stay	22- 60 visitors/week
RV Park	7-8 spaces	2 people per space	½ week stay	<u>28- 32 visitors/week</u>
Total per week				450- 572
Per year x 52 weeks				23,400 – 29,744

This does not include the extra traffic from the 150-180 housing and retirement homes proposed nor maintenance for the facilities.

A recent conversation with the Watch Commander at the SLO Sheriff's Office revealed that there is only one patrol car with 2 officers for ALL of South County during the early hours of the morning. It is a large area extending from Los Berros to the Santa Maria River. We will be left exposed to the inevitable increase in crime as recapped in the following internet article from *USA Today*:

Visitor behavior can have a detrimental effect on the quality of life of the host community. For example, crowding and congestion, drugs and alcohol problems, prostitution and increased crime levels can occur. Tourism can even infringe on human rights, with locals being displaced from their land to make way for new hotels or barred from beaches. Interaction with tourists can also lead to an erosion of traditional cultures and values.

Page 2
March 5, 2015
Re: Rossi Project- Black Lake

I have questioned Mr. Rossi about safety concerns on several occasions at the well-attended and standing room only community meetings. His solution is that there would be lights and cameras at his facilities and a 24/7 manned hotel desk. I fail to see how this will be of any benefit to homeowners.

This change is not welcomed and a total surprise to almost all residents-- as the full 2006 agreement with Mr. Rossi and the then Board of Directors of our HOA was not revealed-- let alone were we consulted or allowed to vote on its adoption. For preferential tees times, beneficial to golfers only, development was approved--which really should be considered null and void due to our CC&R restrictions.

I have already lost next door neighbors who purchased their home in August of 2013 with no knowledge of any potential Village expansion. Disclosure was not required by the Seller at that time. Even though in their 70's, they used months of their time, energy, sweat, and approximately \$50,000 to renovate their property. After the first presentation by Mr. Rossi in June of 2014, they listed and sold their home out of fear and severe disappointment.

They were afraid our Village would either become crowded with the safety issues described above or that Mr. Rossi would turn the course into a vineyard or abandon the property as he has *threatened* numerous times. I feel these are scare tactics which, unfortunately, some believe.

Once residents realize the impact this project will have in regards to noise, crime, traffic, loss of open space, a downgraded golf course, and most of all, the culture that is Black Lake Village, those that can afford to leave-- will. The majority remaining will suffer.

Then the forces of supply and demand will appear. Sale prices of homes will drop, many will become rentals which reduces neighborhood values further, parcels will need to be reassessed, and property taxes will decrease.

Crime rates and traffic accidents will rise placing further demands on the Sheriff's Department, roads will require maintenance sooner, the demands on our limited water resources will explode--as no one can predict how long this drought will last or when the next one will occur. What if the supplemental water is not available? And our already polluted air from the Pismo Dunes will have further negative contributions from visitors, deliveries, and maintenance vehicles.

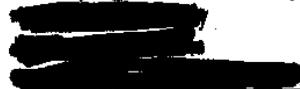
We recognize the plight of the golf industry today but there are signs of a recovery, as those who delayed retirement are now seeing the light at the end of the tunnel. Club Corp, a publicly traded company (MYCC), invests in available courses. Their stock has risen 20% in the last 1 1/2 years and currently has an analyst BUY rating.

Mr. Rossi is ultimately concerned with his debt obligation for a poorly timed investment and the prospects of a revenue stream for future investments. We are concerned about our very way of life. This project is not good for Blacklake Golf Resort, for the residents of Black Lake Village, for Nipomo, nor for the County. Please consider ALL its impacts.

Respectfully,

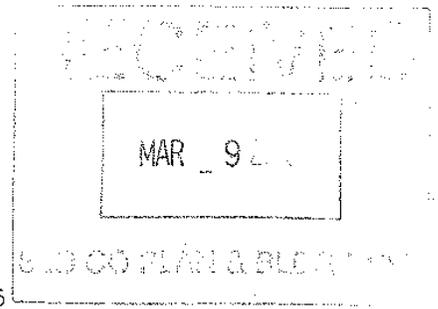


Dorothy De Santis
Fairways @ Black Lake Village (resident since 1994)



GEORGE ATTERBURY
DARSIE ATTERBURY

[REDACTED]
[REDACTED]
[REDACTED]



March 4, 2015

Stephanie Fuhs, Project Manager
San Luis Obispo County Planning and Building Department
976 Osos Street, Suite 300
San Luis Obispo, CA 93401

Re: Proposed Development on Blacklake Golf Course

Dear Ms. Fuhs:

We own the home at [REDACTED] in the Crown Pointe section of Blacklake. Our decision to purchase this home was based on the peaceful, well maintained and natural setting of the Blacklake golf course.

If proposed developments are approved, homes purchased for their golf course view, for which premiums were paid, will be negatively impacted which will in turn affect the property value of the other homes in the community. An assortment of developments are now proposed on the golf course; a hotel, an RV Park, single family residents and bungalows. We oppose these developments.

The proposed developments were presented to Blacklake residents as a plan to make Blacklake a World Class Golf destination. However, the golf course will be made into other things which makes this proposal difficult to comprehend.

The proposals will not only ruin the golf course but will require a water supply that cannot be compensated for by equating water required to sustain these developments with the reclaimed water currently used to water the golf course. Additionally, the traffic and most importantly the impact on wildlife in this area would forever negatively alter this community.

It is our understanding the CC&R documents provided to us when we purchased our home prohibited development on the golf course. We are opposed to any development on the golf course and ask your consideration of our concerns.

Sincerely

George & Darsie Atterbury
George & Darsie Atterbury



Black Lake CC&R's
Carters to: Stephanie Fuhs

03/02/2015 06:43 AM

From: "Carters" <[REDACTED]>
To: "Stephanie Fuhs" <sfuhs@co.slo.ca.us>

This email addresses our ongoing issue: our CC&R prohibition to build residential on the BL golf course.

By way of review, you met with Mr. Rossi and his Agent the week of Feb 9 where you brought up our CC&R issue to him. Having previously delivered a narrative and cites to him on the matter, we met with him on Feb 13 with intent to discuss this issue. You have some history dealing with him so you would understand when I tell you that he completely ignored the prohibition issue itself and instead promoted an alternate idea: mediation. He was quite insistent but we demurred.

Two weeks later, on Feb 27, we met with him again and this time he floated a remedy wherein he claimed that (I am paraphrasing here) by "carving out" those sections on the golf course for residential development, such an action would insulate said development from the existing CC&R prohibition. Very creative magic but typical.

He conveyed a preference to resolve this matter ASAP, I assume in order to avoid it being addressed at the Authorization Hearing. We explained to him that our committee does not have the requisite authority to override our CC&R's and also that we would be recommending to the BLMA (BL Management Association) BOD to retain counsel to get a legal opinion re said prohibition, and advice if confirmed, but not until after the BoS Hearing (our funds are limited).

Complicating this matter is a 2006 Settlement Agreement (there was a tiff over golf perks that Rossi did not want to honor upon his purchase of the course) in which such perks would continue in exchange for BLMA support of Rossi's future plans for development before the County. However, in so doing, the BLMA appears to be in violation of its own CC&R's. (Ironically, Rossi, as owner of the course, is also a member of the BLMA thus, as party to the agreement, would also be in violation.)

It is my understanding that the County does not involve itself with CC&R issues so as I mentioned in my earlier email below, mention of this as an issue in your report to the BoS is perhaps the prudent thing to do for the record and in so doing, puts the onus for resolution upon the Applicant. At this point, the only resolution I can see is an amendment to the CC&R's. .but that would not be easy, fast, or cheap.

See you Thursday!

Kit

----- Original Message -----

From: <sfuhs@co.slo.ca.us>

To: "Carters" <[REDACTED]>

Sent: Wednesday, February 18, 2015 9:06 AM

Subject: Re: Black Lake CC&R's

Attachment E

> Hi Kit,
> Thanks for the e-mail. I met with the applicant and agent last week where
> I brought up this issue as well. Something for them to be thinking about
> as this goes through the process.
>
> I'm thinking late March/early April for the BOS authorization meeting.
> I'll keep you updated as I know more. Thank you.
>
> Stephanie Fuhs
> Planner
> County of San Luis Obispo
> 805.781.5721 (office)
> 805.781.1242 (fax)
> email: sfuhs@co.slo.ca.us
> website: sloplanning.org
>
>
> From: "Carters" [REDACTED]
> To: "Stephanie Fuhs" <sfuhs@co.slo.ca.us>
> Date: 02/17/2015 06:25 AM
> Subject: Black Lake CC&R's
>
>
> Below is an earlier email re the subject matter. By way of update, the
> Board of Directors for the Master Association, at its January 20, 2015
> meeting, discussed the matter deferring it to an ad-hoc committee
> currently
> working on an update of the CC&R's. In the meantime, the issue has been
> brought to the attention of Mr. Rossi.
>
> At this point, it appears that the most you can do is mention that there
> is
> an issue re an apparent Black Lake CC&R prohibition of residential
> construction on the golf course in your Report to the BoS, and placing the
> onus for resolution of same upon the applicant.
>
> Can you give me an idea when you think the Authorization Hearing will be
> scheduled?
>
> Kit
> *****
> ----- Original Message -----
> From: Carters
> To: Stephanie Fuhs
> Sent: Wednesday, January 28, 2015 7:14 PM
> Subject: Black Lake CC&R
>
> This email addresses apparent conflicts between an application for
> development in the Village of Black Lake with respect to residential
> development on the golf course. Other elements of the application appear
> to
> not be affected by this prohibition.
>
> Research has revealed that the Black Lake Specific Plan (SP) and the Black
> Lake Master Association CC&R's were both crafted circa 1984. The former
> guided development, while the latter established governance of Black Lake.
> They refer to each other & compliment one another by design. Upon reading
> these docs, it was easy to see a theme emerge to sustain & protect the
> "open space" element of BL.

Attachment E

>
> The SP attempted to accomplish this with a requirement to grant to the
> county an Open Space Easement, congruent with the footprint of the golf
> course. Evidence of said easement having actually been executed has not
> been determined as of this date and you received a December 16, 2014
> letter
> requesting resolution of what appears to be a conflict between the letter
> &
> intent of said easement and Mr. Rossi's application to develop.
>
> Compounding the matter, our Master CC&R's, in concert with the SP,
> identifies the golf course as part of the "Covered Property" (subject to
> the CC&R's) and that residential development is not permitted on golf
> course parcels.
>
> Again, these two docs are in concert with respect to maintaining the golf
> course and its intrinsic open space element. Arguably, the goal was met
> and
> for thirty years, the Village of BL has been an immense success. At issue
> is the contention that homeowners "bought into" the vision and protection
> provided within the SP & the CC&R's, and maintained for the past thirty
> years.
>
> Attached is a compendium of references for both the open space easement
> protection within the SP and the CC&R prohibition of residential
> construction on the golf course. If you would like a complete digital copy
> of the Black Lake Master CC&R's, please advise.
>
> Kit Carter
> [REDACTED]
> [REDACTED]
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> [attachment "Compendium.docx" deleted by Stephanie Fuhs/Planning/COSLO]
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> [Scanned @co.slo.ca.us]
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THE FAIRWAYS at BLACK LAKE BOARD OF DIRECTORS



February 27, 2015

Stephanie Fuhs, Project Manager
San Luis Obispo County Planning and Building Department
976 Osos Street, Suite 300
San Luis Obispo, CA 93401

Re: Proposed Development on Blacklake Golf Course:

Dear Ms. Fuhs,

The Fairways Board of Directors are directing this letter to you to make our position as well as concerns known to you regarding the proposed development by golf course owner Rob Rossi. The 5 member board of directors are all in agreement and opposition to the proposed development as we do not consider it to be in the best interest of all the homeowners due to proximity of the development and potential loss of property value as well as quality of life.

There are many of the 163 homeowners within the Fairways that have voiced opposition to the development being proposed. Their concerns and opposition are not just loss of open space golf course views but what would be a severe loss of quality of life from not only the noise level from years of construction but the permanent noise increase from 24/7 traffic due to a new access road to the Hotel as well as the new housing, club house/ time shares or secondary boutique hotel, RV parking, and the addition of 68 single family homes. Much of this development being proposed is within 50-100 feet of existing homes. This permanent nuisance noise will not only impact the right of peaceful enjoyment of homeowner's properties but in return have a negative effect on their property values, to which there will be no recovery from, with that, there is also the potential consequence of creating a domino effect with the home values of the entire association. The Fairways are encompassed by the Golf Course, open space golf course views come with a premium paid and with those premiums paid help sustain the overall values for the rest of the properties. Black Lake has been built out with Villaggio's 20 homes being the last phase of development in 2004, no one "bought into" more or continuing development.

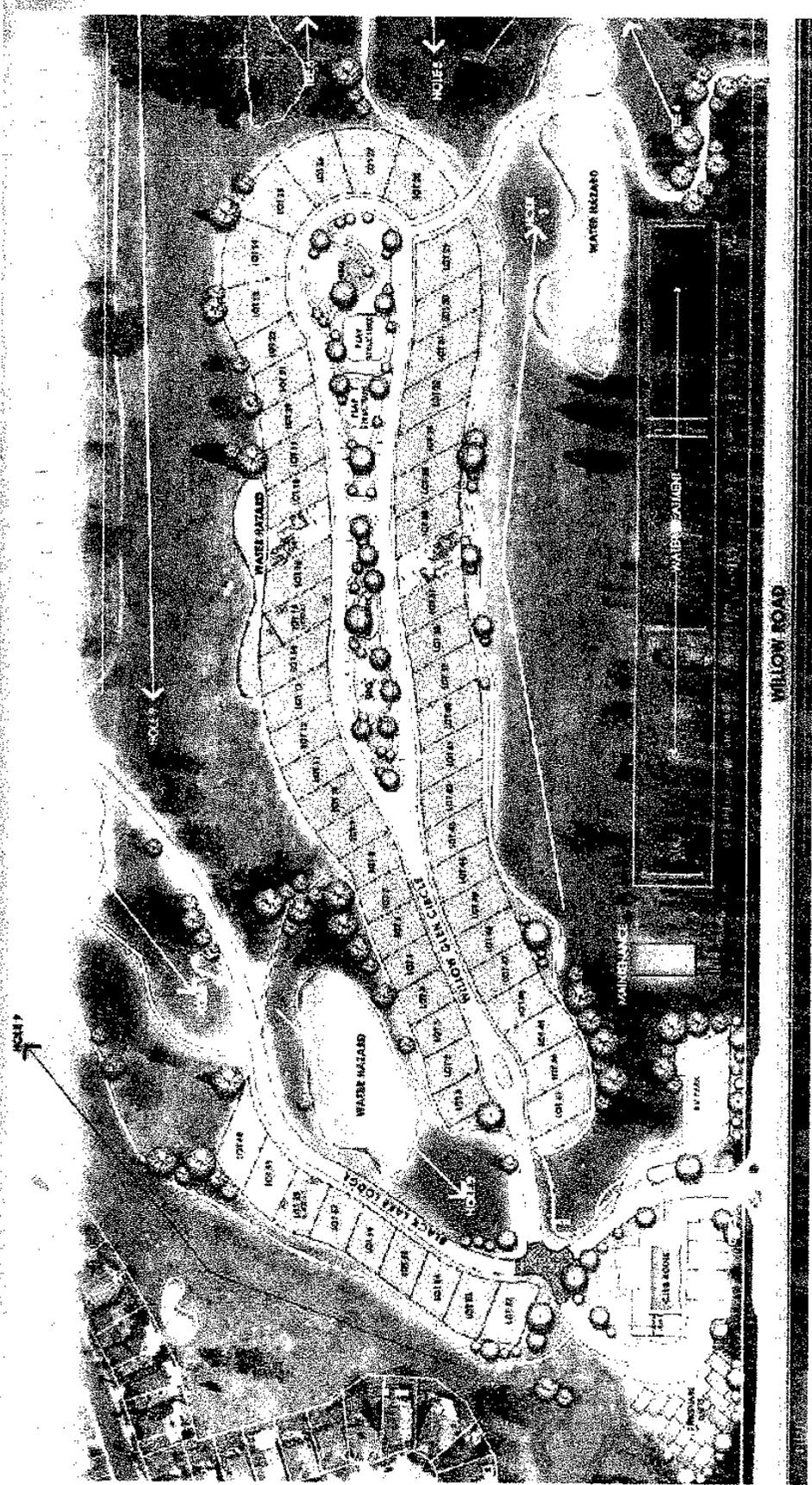
Lastly the matter of the CC&R prohibition within our governing documents for development on the golf course. This is, as it should be, a matter for the Black Lake Management Association to uphold and or mitigate with approval by the membership for whatever resolution that may result, be it an CC&R amendment, agreement or litigation.

Thank You Ms. Fuhs for your consideration of our concerns.

Sincerely,

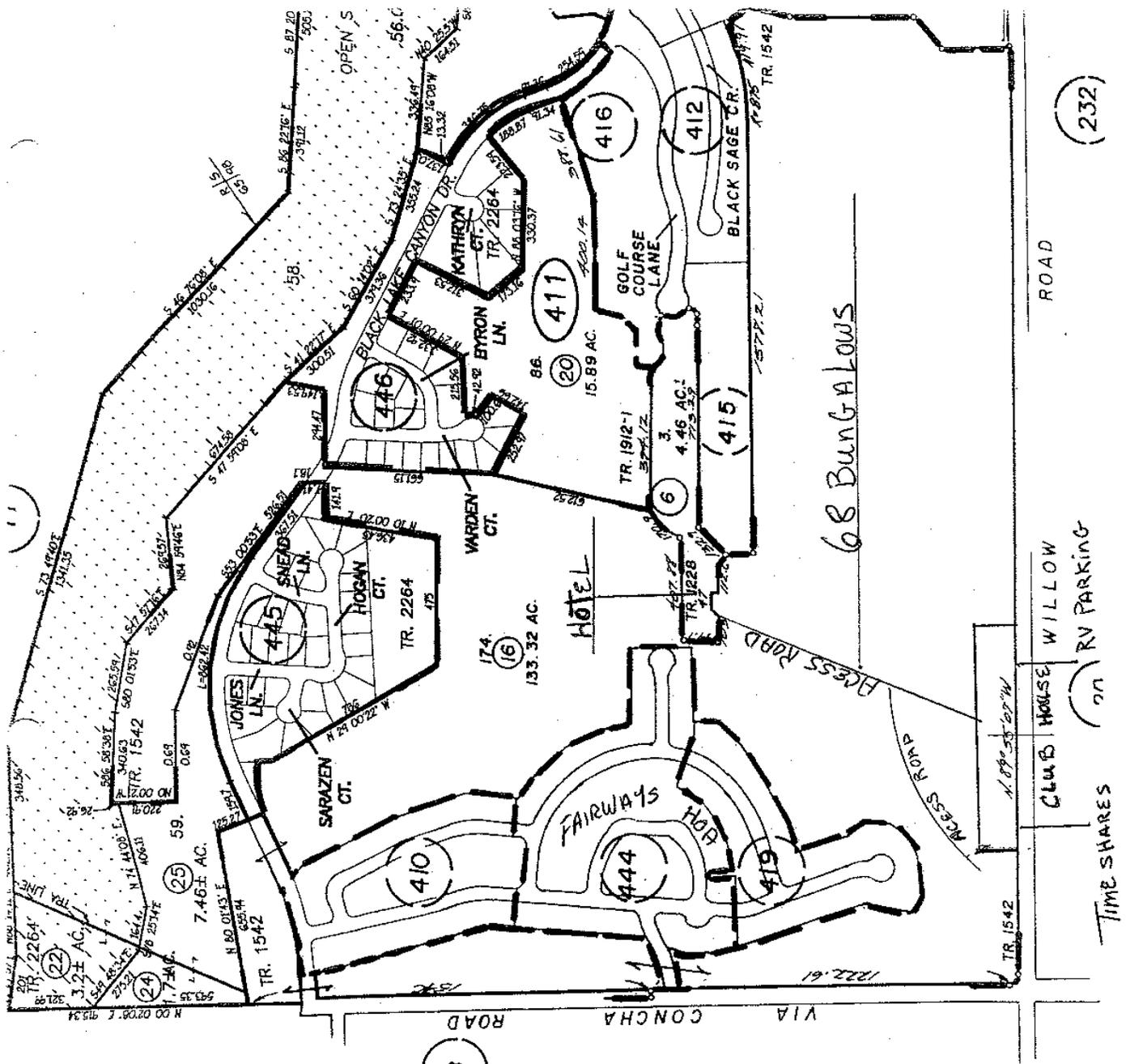
The Fairways Homeowners Board of Directors

Billie King - President
Nancy E Fleming Secretary
Rob Rossi, MEMBER AT LARGE
Joe King Vice President FAIRWAYS
Theresa H. Hill, Treasurer



FAIRWAY'S HOA

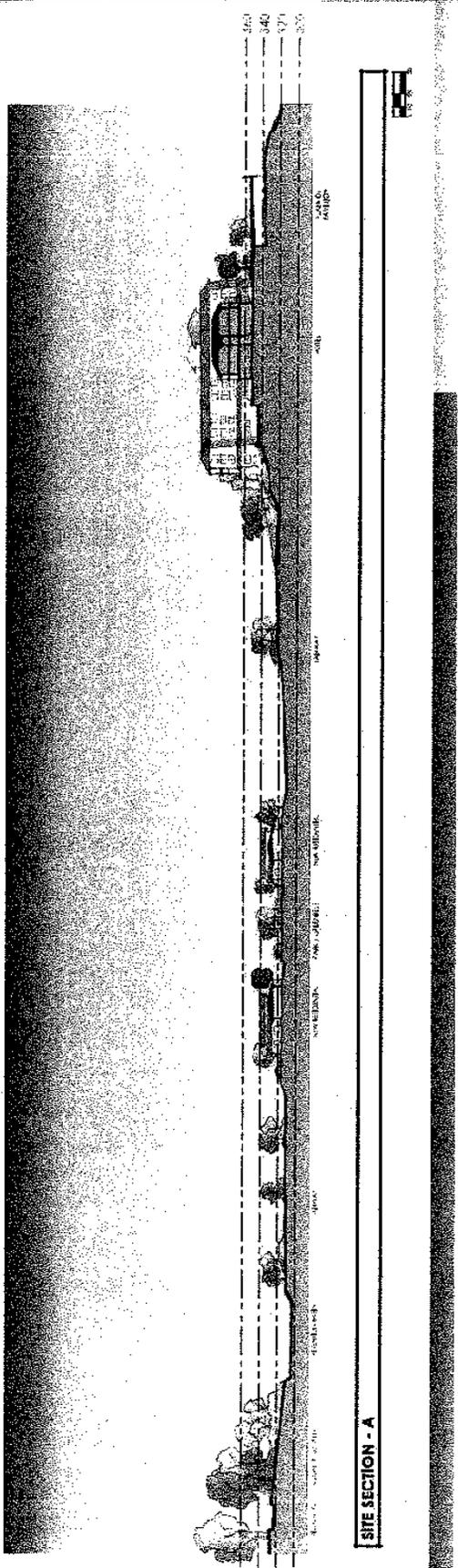
Development Proposed



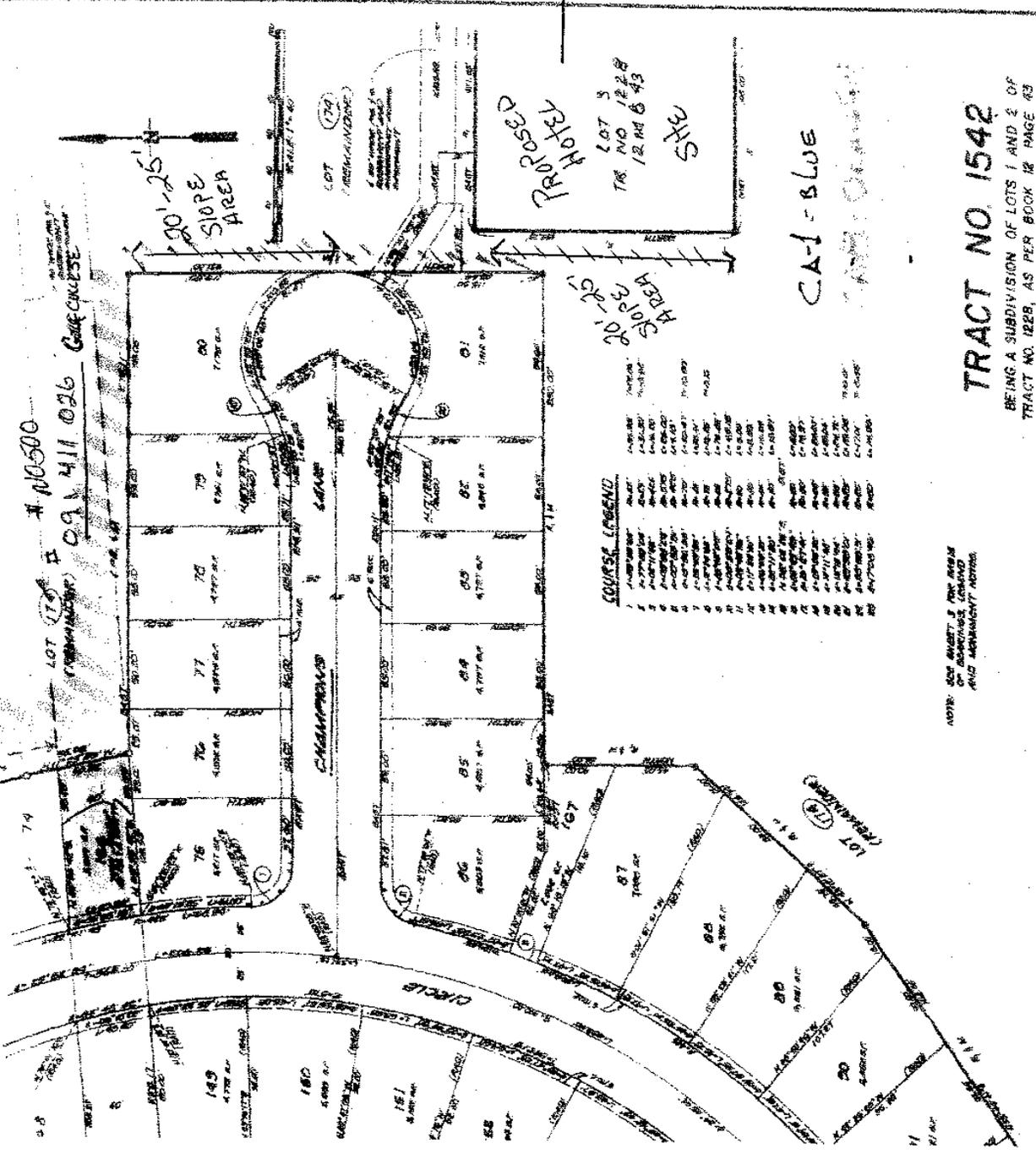
FAIRWAYS
FILE COPY

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FAIRWAYS HOA
SEE SHEET 7
CHAMPIONS LANE PROPOSED HOTEL SITE 10



CURRENTLY
CLUB HOUSE
&
CART GARN

Proposed
HOTEL
LOT 5
TR. NO. 122B
12 PAR. 643
SHE

CA-1-BLUE

COURSE LEGEND

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NOTE: SEE SHEET 7 FOR AREA
IN PARAGRAPHS 1 AND 2
AND ADJACENT NOTES

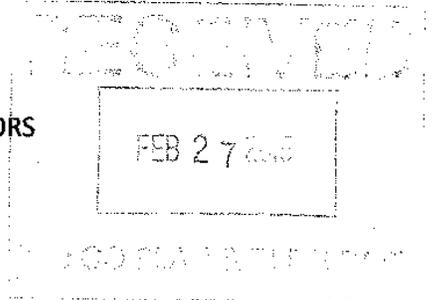
TRACT NO. 1542

BEING A SUBDIVISION OF LOTS 1 AND 2 OF
TRACT NO. 122B, AS PER BOOK 12 PAGE 43

THE FAIRWAYS at BLACK LAKE BOARD OF DIRECTORS

[Redacted]

February 27, 2015



Stephanie Fuhs, Project Manager
San Luis Obispo County Planning and Building Department
976 Osos Street, Suite 300
San Luis Obispo, CA 93401

Re: Proposed Development on Blacklake Golf Course:

Dear Ms. Fuhs,

The Fairways Board of Directors are directing this letter to you to make our position as well as concerns known to you regarding the proposed development by golf course owner Rob Rossi. The 5 member board of directors are all in agreement and opposition to the proposed development as we do not consider it to be in the best interest of all the homeowners due to proximity of the development and potential loss of property value as well as quality of life.

There are many of the 163 homeowners within the Fairways that have voiced opposition to the development being proposed. Their concerns and opposition are not just loss of open space golf course views but what would be a severe loss of quality of life from not only the noise level from years of construction but the permanent noise increase from 24/7 traffic due to a new access road to the Hotel as well as the new housing, club house/ time shares or secondary boutique hotel, RV parking, and the addition of 68 single family homes. Much of this development being proposed is within 50-100 feet of existing homes. This permanent nuisance noise will not only impact the right of peaceful enjoyment of homeowner's properties but in return have a negative effect on their property values, to which there will be no recovery from, with that, there is also the potential consequence of creating a domino effect with the home values of the entire association. The Fairways are encompassed by the Golf Course, open space golf course views come with a premium paid and with those premiums paid help sustain the overall values for the rest of the properties. Black Lake has been built out with Villaggio's 20 homes being the last phase of development in 2004, no one "bought into" more or continuing development.

Lastly the matter of the CC&R prohibition within our governing documents for development on the golf course. This is, as it should be, a matter for the Black Lake Management Association to uphold and or mitigate with approval by the membership for whatever resolution that may result, be it an CC&R amendment, agreement or litigation.

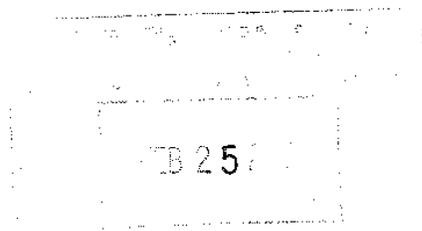
Thank You Ms. Fuhs for your consideration of our concerns.

Sincerely,

The Fairways Homeowners Board of Directors

President:

MARK E. MAHLER
[REDACTED]
[REDACTED]
[REDACTED]



February 23, 2015

VIA E-MAIL AND U.S. MAIL

Stephanie Fuhs, Project Manager
San Luis Obispo County Planning and Building Department
976 Osos Street, Suite 300
San Luis Obispo, CA 93401

Re: Proposed Development on Blacklake Golf Course

Dear Ms. Fuhs:

I am a resident of the Crown Pointe section of Blacklake. My home borders The Lakes portion of the golf course. The view from my back yard looks directly over several holes of The Lakes toward Willow Road and takes in a green belt that is enormously attractive and important to me. There is nothing more that I treasure than sitting on my deck at the end of the day and taking in the peacefulness and ambiance of that view. It was one of the primary reasons I bought and redesigned my home.

Last week, I saw for the first time the latest proposed building plan of Rob Rossi and Blacklake Golf Course Resort, LLC. It includes, among other things, a line of bungalows through the middle of virtually the entire Lakes nine, stretching to nearly the easternmost border of the course. The effect of this proposal would be to literally bisect my view toward Willow Road. Instead of looking out over the golf course green, I would be looking at a line of bungalows.

I am not a casual participant at the Blacklake course. I work as an ambassador at the course on Saturdays and I play the course three times each week with different friends. I understand that there may be a separate legal issue as to whether Mr. Rossi is entitled to do any residential building on the golf course. That is not the focus of this letter. I also have my own views regarding the quality of golf that will remain at Blacklake if Mr. Rossi's proposals are implemented and the effect that will have on the volume of play there. But that also is not really the subject of my letter. I am somewhat resigned to the fact that Blacklake will not be an attractive course for competitive golfers in the area if this redevelopment is approved. But what I cannot accept is the interference with my view and the resulting diminution of the quality of my home life. I would urge your office in the strongest terms possible to oppose the unrestrained expansion of Mr. Rossi's plans to the extent that the entire length of The Lakes course includes a line of bungalows.

I would like to meet with you in person if your schedule permits. I would not take

Stephanie Fuhs
Page Two

much of your time. I only feel that it is important to attach a face to a letter. If that is possible, please have your office call me to arrange a time. Otherwise, your consideration of my position is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark E. Mahler". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark E. Mahler

cc: Lynn Compton, County Supervisor
Dan Hall
Kit Carter
Bill Morrow
Mark Randall



Black Lake CC&R's
Carters to: Stephanie Fuhs

02/17/2015 06:25 AM

From: "Carters" [REDACTED]
To: "Stephanie Fuhs" <sfuhs@co.slo.ca.us>

History: This message has been replied to.

1 attachment



Compendium.docx

Below is an earlier email re the subject matter. By way of update, the Board of Directors for the Master Association, at its January 20, 2015 meeting, discussed the matter deferring it to an ad-hoc committee currently working on an update of the CC&R's. In the meantime, the issue has been brought to the attention of Mr. Rossi.

At this point, it appears that the most you can do is mention that there is an issue re an apparent Black Lake CC&R prohibition of residential construction on the golf course in your Report to the BoS, and placing the onus for resolution of same upon the applicant.

Can you give me an idea when you think the Authorization Hearing will be scheduled?

Kit

----- Original Message -----

From: Carters
To: Stephanie Fuhs
Sent: Wednesday, January 28, 2015 7:14 PM
Subject: Black Lake CC&R

This email addresses apparent conflicts between an application for development in the Village of Black Lake with respect to residential development on the golf course. Other elements of the application appear to not be affected by this prohibition.

Research has revealed that the Black Lake Specific Plan (SP) and the Black Lake Master Association CC&R's were both crafted circa 1984. The former guided development, while the latter established governance of Black Lake. They refer to each other & compliment one another by design. Upon reading these docs, it was easy to see a theme emerge to sustain & protect the "open space" element of BL.

The SP attempted to accomplish this with a requirement to grant to the county an Open Space Easement, congruent with the footprint of the golf course. Evidence of said easement having actually been executed has not been determined as of this date and you received a December 16, 2014 letter requesting resolution of what appears to be a conflict between the letter & intent of said easement and Mr. Rossi's application to develop.

Compounding the matter, our Master CC&R's, in concert with the SP, identifies the golf course as part of the "Covered Property" (subject to the CC&R's) and that residential development is not permitted on golf course parcels.

Again, these two docs are in concert with respect to maintaining the golf course and its intrinsic open space element. Arguably, the goal was met and for thirty years, the Village of BL has been an immense success. At issue is the contention that homeowners "bought into" the vision and protection provided within the SP & the CC&R's, and maintained for the past thirty years.

Attached is a compendium of references for both the open space easement protection within the SP and the CC&R prohibition of residential construction on the golf course. If you would like a complete digital copy of the Black Lake Master CC&R's, please advise.

Kit Carter

[REDACTED]
[REDACTED]
[REDACTED]

Compendium

1. Specific Plan, Section V, page V-8: "Golf Course". The existing 18-hole public Black Lake Golf Course is a significant visual resource and a major component of the open space area of the project and will thus receive special consideration and protection. To assure the long-term open space of the Black Lake Planning Area and to retain the recreation orientation of the project, the landscaped areas containing the golf course or its approved relocation and the area devoted to the 9-hole expansion shall be protected by an open space easement precluding other, non-open space uses of the golf course.

This open space easement shall be for an initial period of 10 years beginning at the completion of Phase IV. On the anniversary date of the acceptance of said easement by the county, or such other annual date as specified by the deed or other instrument described in subdivision (d) of Section 51075 of the Government Code, a year shall be added automatically to the initial term unless a notice of non-renewal as provided in Section 51091 of the Government Code. If a notice of non-renewal is filed, the Black Lake Specific Plan shall be brought to public hearing by the county Planning Commission for consideration for possible amendment regarding the status of the golf course. The open space easement shall not affect the use, operation or modification of the golf course. The intent of this requirement is to assure that the area is not used for non-open space or non-recreation oriented uses."

2. Specific Plan, Section IX f, pages IX 8-9: "Visual Resources-Golf Course (1) The landscaped areas containing the 18-hole golf course or its approved relocation and the area devoted to the 9-hole expansion, shall be protected by an open space easement precluding other non-open space uses of the golf course. (2) This open space easement shall be for an initial period of ten (10) years beginning at the completion of Phase IV and shall be continually, automatically renewed for periods of 5 years unless a notice of non-renewal is filed by the golf course owner at the time of automatic renewals. (3) If a notice of non-renewal is filed, the Black Lake Specific Plan shall be brought to public hearing before the county Planning Commission for consideration of possible amendment regarding the status of the golf course."
3. BLMA CC&R's, Recitals A page R-1: "Declarant is a fee owner of certain real property located in the unincorporated area of the County of San Luis Obispo (hereinafter referred to as "said County"), state of California, more particularly described in Exhibit 'A' attached hereto and incorporated herein by this reference, which real property shall be the initial Covered Property under this Declaration."
4. BLMA, Exhibit A, item 2: "The following real property in the unincorporated area of the County of San Luis Obispo, State of California, as described in Exhibit 'A-1' attached hereto and made a part hereof. This parcel is hereby defined to be the 'Golf Course'."

5. BLMA, Exhibit A-1: "The Golf Course is described as follows: That certain real property as described in EXHIBIT A to that certain document entitled 'IRRIGATION WATER AGREEMENT' recorded May 23, 1984, as Document No. 26324, in Volume 2597, Pages 15-38, inclusive, of the Office of the Recorder of said County; provided, however, that in the event a final map is recorded for proposed Tract 1228 in the Office of the County Recorder of said County within one (1) year within the date of this recordation of this Declaration and if Lots 2 & 3 of said proposed Tract 1228 include any land within that described is said EXHIBIT A to said IRRIGATION WATER AGREEMENT, then and in that event Lots 2 & 3 of Tract 1228 shall become the 'Golf Course' hereunder and in lieu of the land described in EXHIBIT A to said IRRIGATION WATER AGREEMENT; and provided further, however, the legal description of the Golf Course may be further expanded and/or further changed by a Supplementary Declaration or Supplementary Agreement."

(Footnote: the above provisions re Tract 1228 were executed some four months after the Declaration was recorded)

6. BLMA, Article I, Section 18: " 'Golf Course' shall mean and refer to that portion of the initial Covered Property identified in Exhibit 'A' hereto as the 'Golf Course' and such expansions thereof and/or changes in the legal description thereof as may be described in any Supplementary Declaration or Addition Agreement."
7. BLMA, Article I, Section 28: " 'Non-Residential Parcel' shall mean and refer to a legally divided parcel of real property within the Covered Property which is not Master Association Property and which, pursuant to zoning ordinance or other laws, or the Specific Plan, cannot be used for residential purposes; provided, however, the Golf Course shall be deemed to be Non-Residential Parcel."
8. BLMA, Article I, Section 36: " 'Residential Parcel' shall mean and refer to a legally divided parcel of real property within the Covered Property which is not Master Association Property and which, pursuant to zoning ordinances or other laws, can be used for residential purposes and which is not within (i) an Apartment Project, (ii) a Condominium Development, (iii) a Planned Development, or (iv) a Single Family Detached Subdivision; provided, however, the Golf Course shall be deemed to be a Non-Residential Parcel."
9. BLMA, Article I, Section 39: " 'Specific Plan' shall mean and refer to the Black Lake Specific Plan as approved and adopted by said County and any amendments and supplements thereto.



Re: Question About Blacklake Golf Course LRP2014-00016

Art Herbon to: Stephanie Fuhs

01/30/2015 05:29 PM

From: Art Herbon [REDACTED]
To: Stephanie Fuhs <sfuhs@co.slo.ca.us>

Thank you.

Yes, I would appreciate getting notification from you when the authorization hearing is scheduled. I frequently get questions from residents of Blacklake and other constituents in the area. It's very helpful if I can explain the stages.

Best Regards

On Fri, Jan 30, 2015 at 1:54 PM, <sfuhs@co.slo.ca.us> wrote:

Hi Art,

Thanks for your e-mail. I'm in the process of getting up to speed on the specific plan itself and the previous land use permit approvals so I have a better understanding of what is being requested in the context of what has been approved in the past.

The first step in this amendment process is to have an authorization hearing at the Board of Supervisors. This allows the Board to either allow the project to proceed with processing or not allow the project to proceed any further. This is usually not a noticed hearing (where the county sends out mailings to neighboring property owners), but it is open to the public because it is part of their agenda.

If the project is authorized, I would be completing the environmental review as part of the overall review of the project. This will most likely be either a supplemental EIR or a new EIR, I'm not sure which at this point. The EIR process is lengthy and needs to be completed before the project goes to public hearings for review and decision. The EIR process also allows the public a lot of opportunities for comments so that concerns and issues are discussed so the decision makers are aware of those issues when they make their decision.

Once the EIR is completed, I can then schedule the project for a hearing at the planning commission who makes a recommendation to the Board of Supervisors. After the planning commission makes a recommendation, it then goes to the Board for hearings and a decision.

Hopefully this helps. I don't have a date for the authorization hearing yet, but if you would like for me to let you know, I can certainly do that.
Thank you.

Stephanie Fuhs
Planner

County of San Luis Obispo
805.781.5721 (office)
805.781.1242 (fax)
email: sfuhs@co.slo.ca.us
website: sloplanning.org

From: Art Herbon [REDACTED]
To: Stephanie Fuhs <SFUHS@CO.SLO.CA.US>
Date: 01/28/2015 07:45 PM
Subject: Question About Blacklake Golf Course LRP2014-00016

Dear Ms Fuhs:

My name is Art Herbon and I am a member of South County Advisory Council, representing the Blacklake area. I have been following the applicant's preliminary planning, including attending Blacklake Town Halls, and I am somewhat familiar with the proposed changes to the specific plan.

I would like a better understanding of the process between now and potentially start of construction for changes at Blacklake. For instance, is there an EIR requirement after the approval of the Specific Plan Amendments?

Thanks. I've been on Council for a year, and I appreciate any assistance in understanding the process so I can better explain it to constituents.

Best Regards,
Art Herbon
SCAC - Area 6

[Scanned @co.slo.ca.us]



December 22, 2014

Via Email
sfuhs@co.slo.ca.us

Stephanie Fuhs
Project Manager
County of San Luis Obispo
976 Osos Street, Room 300
San Luis Obispo, CA 93408

Re: Blacklake / Open Space Easement

Dear Ms. Fuhs:

We've been made aware the Specific Plan language mentioned "preservation of the Golf Course for an established period of no less than 10 years." That language apparently never became a requirement, thus never recorded in the 1980s. Further, as stated in the Specific Plan, if it had been, it was to be "revocable at the request of the property owner after a minimum of 10 years" and thus was to only assure that a golf course continue for a minimum period of time. Certainly, no agreement can mandate that a business continue, if it is not operating profitably, such as is the case with Blacklake golf course today.

The current ownership (Blacklake Golf Resort LLC), upon acquisition in 2001, painstaking researched the record and no such easements were in place nor were there any recorded agreements which provided for any such restrictions. If there had been the current ownership might not have acquired and most certainly would have moved to terminate it, thus any restriction would have terminated long before now.

Further, even though no restriction was ever recorded or requirement imposed, the intended objective of such a requirement has now been enjoyed for over 30 years, far longer than the stated term of the SP suggested restriction.

Notwithstanding any open-space restriction, the ownership fully respects and understands the concerns of the residents with regard to the proposed development(s). We have worked diligently, for a number of years, including with the established "Blacklake liaison committee" to conceive plans for a further, limited development which include retaining, rehabilitating and giving a new vitality to restart this once successful resort destination.

An agreement for further development was made with the Blacklake Owners Association in 2006. The current proposed development is of similar scope and nature. We continue to work with the community in a very open fashion with the intent to reconfigure and retain a 27-hole facility as part of a re-conceived, Blacklake Village and Lodge.

[REDACTED]

Stephanie Fuhs
County of San Luis Obispo
December 22, 2014
Page 2

The bottom line is, Blacklake ownership intends that the golf course continue to be an important amenity and remain substantially open-space area, as part of the redevelopment proposal with the intent of also achieving increased efficiency from the standpoint of both maintenance and water utilization, enhancing the golf course businesses long-term economic viability.

In our community presentations, we've also committed that this encroachment into what is currently the re-designed areas of the golf course, would be the last. While neither this project, nor any other, can with absolute certainty assure long-term economic viability of a golf course, we are willing, as a condition to a new project, enter into a new 10 year commitment going forward for the golf course areas to remain allowable, active recreation, open space uses, including golf facilities, subject to lender's agreement.

In conclusion, only an approach such as being proposed can allow this property to remain a 27-hole golf course. Please let us know if a discussion regarding this matter is desired.

Thank you and we wish everyone the happiest of Holidays.

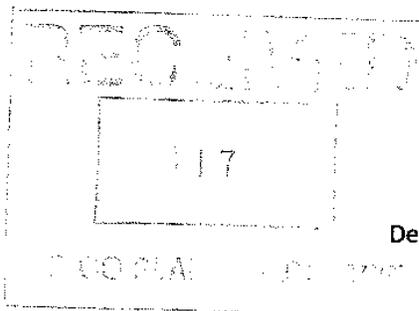
Best Regards,



Rob Rossi

RLR/vf v

cc: Board of Supervisors, County of SLO
Lynn Compton – Supervisor-Elect District 4, County of SLO
James A. Bergman – Director, County of SLO Planning & Building
Rita L. Neal – Counsel, County of SLO
Damien Mavis
Pat Arnold
Jamie Kirk



Stephanie Fuhs, Project Manager
976 Osos Street
Room 300
County of San Luis Obispo, CA

December 16, 2014

Subject: Re: Conceptual Plan by Rossi for Development at Blacklake

Re: Need for Clarification re Open Space Easement Requirement

Dear Ms. Fuhs,

Blacklake consists of seven subdivisions, each with a homeowner's association, and a master association, the Blacklake Masters Association (BLMA). The Board of Directors for BLMA is made up of representatives from each of the sub associations and there are the usual committees. The "BLMA-Rossi Liaison Committee" exists to address matters relating to the subject plan. With that said, there is an issue that we think needs to be addressed and resolved by the County.

Pages V-8, IX-8, and IX-9 of the Blacklake Specific Plan address the requirement for an Open Space Easement to wit: "The existing 18-hole public Black Lake Golf Course is a significant visual resource and a major component of the open space of the project and will thus receive special consideration and protection. To assure the long-term open space character of the Black Lake Planning Area and to retain the recreation orientation of the project, the landscaped areas containing the 18-hole golf course or its approved relocation and the area devoted to the 9-home expansion shall be protected by an open space easement precluding other, non-open space uses of the golf course".

It is requested that the County address and respond, as soon as possible, to what appears to be a potential conflict between this requirement and proposed new development as set forth in an application submitted on December 2, 2014; and to also include these findings in the County Staff Report to the Board of Supervisors. Our committee is available to meet with you to discuss the matter and our contact information is provided below.

Sincerely,



Dan Hall, Chairman
Blacklake-Rossi Liaison Committee
Blacklake Master Homeowners Association

Cc Board of Supervisors, County of SLO
Supervisor-Elect, District 4, Lynn Compton, County of SLO
James A. Bergman, Director, Planning & Building, County of SLO
Rita L. Neal, Counsel, County of SLO
Rob Rossi, Blacklake Golf Course Resort, LLC

Blacklake-Rossi Liaison Committee
Dan Hall, Chairman
Blacklake Community Center
[Redacted]
[Redacted]
[Redacted]