

FILED

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March 5, 2015

Clerk of the Board, County of San Luis Obispo
County Government Center
1055 Monterey Street
San Luis Obispo, CA 93408

TOMMY GONG, COUNTY CLERK

DEPUTY CLERK

RE: Notice of Appeal: County Road Improvement Fees
Pinetree Development, LLC – APNs 090-161-033, 034, 035, 036, 037, 038, 039

Dear Clerk of the Board:

We are in receipt of Department of Public Works letters Dated December, 2014 stating that the seven (7) lots in Nipomo are subject to a South County Area 1 Road Improvement Fee in the amount of \$12,011 per lot, totaling \$84,077. This appeal is a request for a reduction in fees from \$12,011 per lot to \$1,875 per lot for the seven lots in accordance with the San Luis Obispo County, CA Code of Ordinances, Title 13 §13.01.02 (b) (2) (A) and Title 22 §22.80.030.

Background

Tract 2516 was initially approved as a 7 lot subdivision in 1998. Improvements were permitted by the county for the site and to South Oak Glen Avenue including installation of water, sewer, sidewalks, paving of the Mads Place cul de sac and paving a section of South Oak Glen Avenue. After installation of these improvements, the owner passed away and the property was acquired by John Will, Pinetree Development, LLC.

In 2004, Pinetree Development processed an application for revisions to the design of the subdivision. Conditions of Approval for this application included: widening South Glen Avenue, installation of new concrete ADA improvements, overlaying Mads Place and providing a drainage easement for a storm drain to Nipomo Creek. The total cost of the additional improvements was over \$200,000.

At no time, either in 1998 when the first permit was issued, nor in 2004 when subsequent permits for improvements on south Glen Avenue were issued did the County Department of Public Works inform the appellant of the County Road Improvement Fee or make any attempt to collect such fee as provided for in the Ordinance.

We believe that there are sufficient grounds for appeal of the amount of the fee pursuant to the San Luis Obispo County, CA Code of Ordinances, Title 13 §13.01.02 (b) (2) (A) stating "*For new development that is solely residential, the resolution shall provide for payment of the road improvement fee at one or more of the times required by Section 660007 of California Government Code, enacted by Chapter 912, Statutes of 1988, or as section may hereafter be amended from time to time or, if said Section 66007 is not applicable, than at one of the following times:*

(A) Prior to issuance of any permit or approval for the new residential development."

The definition of permit as identified pursuant to Title 22 §22.80.030 states "*Any formal authorization or entitlement from, or approval by the County, the absence of which would preclude establishment of a land use, activity, construction project, grading or surface mining operation.*"

The Fee only came to our attention in December 2014 when obtaining Building Permits. We met with Frank Honeycutt to review the situation and he advised that our only remedy is an appeal. Therefore, we respectfully request a hearing at the earliest possible date and enclose the \$497 Appeal Fee.

Our appeal is for a reduction in fees to the 1998 fee of \$1,875 per lot that was in place at the time the first permit was issued for the road and infrastructure required to support the subdivision. If the developer had been made aware of the fee at that time, it would have been paid.

The appellant is not attempting to avoid the responsibility of paying the Road Improvement Fee, but is requesting to pay the amount that should have been paid at the time of installing the project improvements, namely \$1,875 per lot. We are simply asking for a reduction in Road Fees to the amount that should have been paid originally in 1998.

Thank you for your timely consideration of this appeal.

Sincerely,

A handwritten signature in black ink, appearing to read "John Will". The signature is written in a cursive, flowing style with a large initial "J".

John Will
Managing Member
Pinetree Development, LLC
2640 Industrial Parkway, Suite 100
Santa Maria, CA 93455