

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION DENYING THE APPEAL OF JAMES STEVENS AND AFFIRMING
THE DECISION OF THE SUBDIVISION REVIEW BOARD AND CONDITIONALLY
APPROVING THE APPLICATION OF JAMES STEVENS FOR A
TENTATIVE PARCEL MAP CO14-0053

The following resolution is now offered and read:

WHEREAS, on May 4, 2015, the Subdivision Review Board of the County of San Luis Obispo (hereinafter referred to as the Subdivision Review Board) duly considered and conditionally approved the application of James Stevens for a Tentative Parcel Map CO14-0053; and

WHEREAS, James Stevens has appealed the Subdivision Review Board's decision to impose Condition of Approval 12, requiring the release of ownership of one development credit, to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the Board of Supervisors) pursuant to the applicable provisions of Titles 21 and 22 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on August 25, 2015, and a determination and decision was made on August 25, 2015; and

Attachment 1

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of the Subdivision Review Board should be affirmed, and that the application (SUB2013-00074) should be approved subject to the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.
2. That this project is found to be exempt from the provisions of the California Code of Regulations, Title 14, Sec. 15061(b)(3), (General Rule Exemption).
3. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibits A attached hereto and incorporated by reference herein as though set forth in full.
4. That the appeal filed by James Stevens is hereby denied and the decision of the Subdivision Review Board is affirmed and that the application of James Stevens for the Tentative Parcel Map CO14-0053 is hereby approved subject to the conditions of approval set forth in Exhibit B, attached hereto and incorporated by reference herein as though set forth in full.

Attachment 1

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: 
Deputy County Counsel

Dated: July 28, 2015

FINDINGS - EXHIBIT A
STEVENS PARCEL MAP (SUB2013-00074 / CO14-0053)

Environmental Determination

- A. The project is covered by the general rule that CEQA applies to projects that have the potential for not 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 because the proposed lot split is compatible with the surrounding residential neighborhood and there are no sensitive resources on the site. Therefore, the project is not subject to CEQA (State CEQA Guidelines sec. 15061 (b) (3), General Rule Exemption).

Tentative Map

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Residential Suburban land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the resulting parcels meet the minimum parcel size set by the Land Use Ordinance (Section 22.94.080(H)) and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances.
- E. The site is physically suitable for future residential development because the proposed parcels contain adequate area for development of single family residences and residential accessory uses allowed in the Residential Suburban land use category.
- F. The site is physically suitable for the proposed density of the development proposed because each resulting parcel can adequately support a single family residence and accessory uses allowed in the Residential Suburban land use category.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the site is not located in an area identified as being a sensitive resource, it is not within close proximity of a creek, the resulting parcel configuration uses the land efficiently that would minimize site disruption in respect to site disturbance, vegetation removal, and, the proposed project will not hinder the use of the subject or adjacent parcels. Lastly, the proposed parcel configuration maintains the character and parcel configuration pattern of the surrounding area.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

Attachment 1

- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

Road Improvements

- J. In the interest of the public health and safety, and as a necessary pre-requisite to the orderly development of the surrounding area, the construction of any road improvements shall occur prior to recordation of the parcel map or, if bonded for, within one year after recordation of the parcel map and prior to issuance of a permit or other grant of approval for development on a parcel.

CONDITIONS - EXHIBIT B
STEVENS PARCEL MAP (SUB2013-00074 / CO14-0053)

Approved Project

A Tentative Parcel Map (CO14-0053) to subdivide an existing 5 acre parcel into two parcels of 2.5 acres each for the purpose of sale and/or development. Proposed Parcel 2 will utilize an existing reciprocal access easement (*DOC. 1995-003351*) with the adjacent property owner (APN 059-091-026.)

Access and Improvements

1. Los Palos Road shall be widened to complete the project frontage of an A-1 rural road section fronting the property within a dedicated right-of-way easement of sufficient width to contain all elements of the roadway prism.
2. **At the time of application for construction permits for Parcel 2**, the applicant shall secure an Encroachment Permit from Public Works and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plan is to include, as applicable:
 - a. Reconstruct the existing site access driveway approach to Parcel 2 in accordance with County Public Improvement Standard B-1a drawing for rural roadways.
3. Improvement plans shall be prepared in accordance with County Public Improvement Standards by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plans are to include, as applicable:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan to be approved jointly with County Environmental Health.
 - d. Sewer plan to be approved jointly with County Environmental Health.
 - e. Sedimentation and erosion control plan for subdivision related improvement locations.
 - f. Public utility plan, showing all existing utilities and installation of all new utilities to serve each lot.
4. All new electric power, telephone and cable television services shall be completed to each new parcel and ready for service. Applicant responsibilities for electric service and distribution line extensions (facilities and equipment) are detailed in PG&E Electric Rule No.15 and Rule No.16, respectively.
5. Prior to final map recordation, electric, telephone, and cable television services shall be completed, and shall meet the utilities' installation requirements, unless (in-lieu) financial arrangements with the utility for the installation of these systems have been made.

Attachment 1

6. New gas distribution mains shall be installed along the entire project frontage(s) and gas service laterals shall be stubbed to each new parcel unless otherwise directed by the gas purveyor.

Offers, Easements and Restrictions:

7. The applicant shall offer for dedication to the public the following easements by certificate on the map or by separate document:
 - a. For future road improvement 5-foot wide road right-of-way along Los Palos Road to be described as 25-feet from the recorded centerline.
8. The applicant shall reserve the following private easements by certificate on the map or by separate document:
 - a. A minimum shared private access and utility easement in favor of Parcel 2 with additional width as necessary to include all elements of the roadway prism and the cul-de-sac or other Cal Fire approved road terminus.
9. Easements shown to be quitclaimed on the tentative map shall be done so prior to filing the map.

Fire Safety

10. **Prior to map recordation**, the applicant shall satisfy the applicable requirements of the fire safety plan approved and issued by Cal Fire on July 7, 2014.

Parks and Recreation (Quimby Fees)

11. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code Section 66477, **prior to filing of the final parcel or tract map** the applicant shall pay the in-lieu fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

TDC Program

12. **Prior to recordation of the final map**, the applicant shall release their ownership in the Receipt of Transfer or the Certificate of Sending Credits to the Department of Planning and Building. Acceptance of the release shall only occur if the credits are located in conformance with Section 22.24.090 of Title 22. The Director shall notify the TDC Administrator of the release and specify the registration numbers of the credits that were used. After release, the credits are no longer valid and available for use.

Miscellaneous

13. **Prior to any construction activities at the site**, the project proponent shall ensure that a geologic evaluation is conducted to determine if the area disturbed is exempt from the regulation under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading,

Attachment 1

Quarrying, and Surface Mining Operations (93105). An exemption request must be filed with the APCD.

14. The applicant shall enter into an agreement and post a deposit with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
15. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and septic system. Copies of which are attached hereto and incorporated by reference herein as though set forth in full.
16. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from the date a time extension request may be acted on.

Additional Map Sheet

17. **Prior to recordation of the final map**, the applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
 - a. All driveway approaches shall be constructed in accordance with County Public Improvement Standards. All driveway approaches constructed on County roads or project related roads to be accepted for County maintenance shall require an encroachment permit.
 - b. That approval of the subdivision included the use of Transfer Development Credits, the number of credits used, their registration numbers, and the location and assessor's parcel numbers of the sending site.
 - c. 300 foot building setback line (rear) for noise mitigation.
 - d. **At the time of application for construction permits**, the applicant shall demonstrate whether the project (including both public and private improvements) is subject to the LUO Section for Stormwater Management. Applicable projects shall submit a Stormwater Control Plan (SWCP) to satisfy post construction requirements for stormwater treatment prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Stormwater Quality Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation control plan. The applicant shall submit complete drainage calculations for review and approval.
 - e. **At the time of application for construction permits**, if necessary, the applicant shall submit a draft "Private Stormwater Conveyance Management and

Attachment 1

Maintenance System" exhibit for any proposed post construction structural treatment device for review and approval by the County.

- f. **Prior to approval of the construction permits**, if necessary, the applicant shall record with the County Clerk the "Private Stormwater Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.
- g. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan (July 7, 2014), prepared by the Cal Fire for this proposed project.