

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 3/24/2015	(3) CONTACT/PHONE Stephanie Fuhs, Planner III/(805)781-5721	
(4) SUBJECT Consideration of a request for authorization to process a Specific Plan, General Plan and Land Use Ordinance Amendment (LRP2014-00016 – Black Lake Golf Resort, LLC) to amend provisions of the Black Lake Specific Plan that would increase the residential density allowed under the current specific plan, expand the list of allowable uses, and allow for resort development. The site is in the Black Lake Village Reserve Line in the South County Inland subarea of the South County Planning Area. District 4.			
(5) RECOMMENDED ACTION It is recommended that the Board review the proposed amendments to the Black Lake Specific Plan, General Plan and Land Use Ordinance and determine whether to authorize processing.			
(6) FUNDING SOURCE(S) Application Fees	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ___) <input checked="" type="checkbox"/> Board Business (Time Est. <u>60 Minutes</u> )			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input checked="" type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date: _____	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa Howe			
(18) SUPERVISOR DISTRICT(S) District 4			

## County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Stephanie Fuhs, Planner III

VIA: Ellen Carroll, Planning Manager/Environmental Coordinator

DATE: 3/24/2015

SUBJECT: Consideration of a request for authorization to process a Specific Plan, General Plan and Land Use Ordinance Amendment (LRP2014-00016 – Black Lake Golf Resort, LLC) to amend provisions of the Black Lake Specific Plan that would increase the residential density allowed under the current specific plan, expand the list of allowable uses, and allow for resort development. The site is in the Black Lake Village Reserve Line in the South County Inland subarea of the South County Planning Area. District 4.

### **RECOMMENDATION**

It is recommended that the Board review the proposed amendments to the Black Lake Specific Plan, General Plan and Land Use Ordinance and determine whether to authorize processing.

### **DISCUSSION**

#### Proposal

The applicant is proposing amendments to the Black Lake Specific Plan in anticipation of land use entitlements (i.e., subdivision and land use permits) to increase residential and commercial development to meet changes in market trends and demand. The amendments, as currently proposed, would allow for an increase in residential development which includes a mix of single family residential and senior units. The amendment would also involve reducing the open area currently used as the golf course for the proposed residential, commercial and resort development from approximately 58 acres to approximately 35 acres. (The open space easement for Black Lake Canyon will remain unchanged). The key elements of the proposed Specific Plan amendment are as follows:

- 90-100 single family residences
- 60-80 senior housing units (duplexes)
- Re-location of the existing clubhouse to a new location along Willow Road that would include visitor and member serving amenities
- 100-120 hotel suites, including a restaurant and banquet facilities and a neighborhood commercial component
- Upgrade of existing golf course facilities and infrastructure
- Reduction of open space area used for the golf course from approximately 58 acres to approximately 35 acres

The request will also require the amendments to the Land Use Ordinance updating to the current text and associated figures of the Black Lake Village Standards to reflect the possible amendments that are being considered. The current section reads as follows:

**22.108.010 - Black Lake Village Standards**

The 1983 Black Lake Specific Plan as amended is hereby incorporated into this Title as though it were fully set forth here. All development within the Black Lake Specific Plan Area (see Figure 108-1) shall comply with the adopted Specific Plan. In the event of any conflict between the provisions of this Section and the Specific Plan, the Specific Plan shall control. Any deviation of existing or proposed development from the provisions of the Specific Plan shall occur only after appropriate amendment of the Specific Plan.

Background

The Black Lake Specific Plan encompasses 515 acres on the Nipomo Mesa about three miles northwest of the community of Nipomo. The Black Lake Specific Plan was originally adopted on February 28, 1983 (Resolution No. 83-87). The current specific plan allows up to 559 residential units on approximately 220 acres of the overall specific plan area, three 9-hole golf courses on 190 acres of the overall site, and secondary recreational uses allowed in Table III-A, the Specific Plan Land Use Chart, and a 56 acre open space area that covers both the Black Lake Canyon bottom and steep side slopes.

There have been five subdivisions recorded within Black Lake Village:

- Tract 1109 – recorded May 25, 1984
- Tract 1228 - recorded June 6, 1985
- Tract 1542 – recorded April 10, 1989
- Tract 1912 – recorded September 8, 1995
- Tract 2264 – recorded February 22, 1999

In May 1998, the Specific Plan was amended to increase residential development from 515 to 559 units, add up to a maximum of 5,000 square feet of food and beverage retail sales and allow for a neighborhood market. All five subdivisions have been built out with single family units and multi-family townhouse units.

If the proposal is authorized, the location and exact number of units would be determined before completion of the project description for the Environmental Impact Report. Staff recommends that the additional units address, in part, workforce and affordable housing.

In addition, if authorized, staff recommends that the Specific Plan be updated to reflect adoption of new and revised elements of the General Plan (i.e, LUCE, COSE), services provided, phasing/buildout of the density allowed under the current plan and other sections that are no longer valid or necessary.

Project Data

- Planning Area: South County
- Community: Black Lake Village
- Assessor Parcel Number: Multiple
- Supervisorial District No. 4

- Area: 515 acres
- Topography: Gently to moderately sloping
- Vegetation: Grasses, ornamentals, eucalyptus, oak woodland
- Water Supply: Community system (NCSD)
- Sewage Disposal: Community system (NCSD)
- Existing Use and Improvements: Residential, recreational and commercial

*Surrounding Land Uses (Land Use Categories)*

North: Scattered residences (Residential Rural)

South: Scattered residences and small scale agricultural operations (Residential Rural)

East: Scattered residences (Residential Rural)

West: Scattered residences and agricultural operations (Residential Rural, Agriculture Recreation)

*General Plan Information*

Land Use Element Category: Recreation

Combining Designation: None

Community Planning Standards: Specific Plan included by reference

Authority

Unlike the processing of land use permits, the first step when considering requested amendments to the general plan, specific plan or land use ordinance, is for your Board to determine whether to initiate new legislation to amend the rules. If this amendment request is authorized for processing, the evaluation of the proposed amendments will take place and the environmental review process and staff report will be completed. The item will be then be scheduled for public hearings before the Planning Commission, then before your Board for a final decision.

Appendix F of Framework for Planning – Part I of the Land Use Element (LUE) of the General Plan, provides guidelines for processing General Plan amendment requests. The guidelines include this step when your Board determines whether to authorize processing of the application. The Department of Planning and Building is to provide a preliminary analysis of the major issues likely to be involved in the request and the items that need to be studied in more detail. The Board should consider the following factors and any other issue raised by the proposal:

- Necessity – Are there policies in the LUE that make the proposal unnecessary or inappropriate?
- Timing – Is proposed amendment premature in relation to the inventory of similarly designated land and the timing of projected growth?
- Vicinity – Should the area of the proposed amendment be expanded or reduced based on the site's relationship with surrounding area and surrounding condition?

Staff Response

The major issues likely to be involved include potential impacts to the following environmental issue areas: water resources, stormwater impacts, biological resources, traffic, and air quality and greenhouse gases. Each of these issues will be analyzed, along with others, in a supplemental/subsequent Environmental Impact Report (EIR), which the applicant has agreed to have prepared. The 1998 supplemental EIR and other previously adopted environmental documents will be relied upon to the extent feasible. The applicant has supplied information on water resources and proposed water savings and recharge amounts intended to show that the proposal will not have a negative impact on water availability (see attached project statement). This information includes the following:

- Purchasing supplemental water from the Nipomo Community Services District (NCSD)
- Reduction in turf areas
- Improvement/upgrades to the existing irrigation system
- Waste water recharge from new development
- Reduced groundwater pumping due to reduction in turf wand waste water recharge

Although this may be considered by the decision makers when they evaluate the planning and policy aspects of the proposal, the EIR is required to look at impacts from the proposed project compared to the existing baseline (what currently exists) and the current environmental setting, and include mitigation accordingly.

Based on correspondence received (attached), there is also an issue with allowing new development on the existing golf course. An open space easement was required for Tract 1912 for the golf course area for a period of 10 years, with automatic one year renewals following the initial 10 year period per the Specific Plan (second paragraph page V-8). Based on research of project files, recorded documents and title reports, it does not appear that an open space easement was ever recorded for the golf course area; however, the Specific Plan (first paragraph on Page V-8) appears to set forth a policy that the 18-hole golf course and 9-hole expansion be protected for long term open space character and retention of the recreation orientation of the project. Based on the wording in the Specific Plan, these paragraphs would need to be amended in order to allow the development proposed.

In addition, CC&Rs recorded for the Black Lake Master Association do not allow residential development on the golf course parcels. While the County does have the authority to enforce private CC&Rs, it raises the issue of open space preservation which the Board should consider when determining whether the size and location of proposed residential, resort and commercial development are appropriate for the overall site. The amendment of the CC&Rs will also have to be addressed by the applicant and the Home Owner's Association, with a resolution ultimately presented to your Board for consideration.

#### *Necessity*

The residential, commercial and open space components of the Specific Plan are essential for the village's consistency with the County's Strategic Growth Principles, whereas the resort is a non-essential component for this consistency. Therefore, replacing portions of the golf course with increased residential density and adding a neighborhood commercial component do not affect the Specific Plan's overall consistency with the Strategic Growth Principles.

#### *Timing*

As stated above, five subdivision maps have been recorded within the Black Lake Village planning area. All five of these tracts are essentially built out. If the Board determines that additional urban level development within the Village Reserve Line (VRL) is suitable for authorization purposes, then due to the fact that there are not many developable parcels left within the VRL, the timing for increasing residential density and adding resort and commercial development would be considered appropriate.

#### *Vicinity*

This proposal does not include changes to the Village Reserve Line. However, potential land use compatibility should be considered regarding the existing residential development within Black Lake Village to determine if the number of residential units and the size and scale of the hotel and appurtenant facilities are appropriate to incorporate into the proposal.

#### Authorization Options

Your Board should consider the following options as part of your discussions when considering whether to authorize this project for processing:

1. **Authorize as Requested.** Authorize the application for processing as requested to amend the Black Lake Specific Plan as requested by the applicant.
2. **Authorize a Revised Scope.** Authorize the application for processing, as described in number 1 above, with revisions based on Board direction.
3. **Do Not Authorize.** Do not authorize the processing of this application.

#### OTHER AGENCY INVOLVEMENT/IMPACT

If the project is authorized for processing with a revised scope, the application will be re-referred to all applicable agencies and community advisory bodies. Preliminary review has been conducted by the South County Advisory Council, County Public Works, the Agricultural Commissioner's Office, CalFire,

HEAL SLO and the Air Pollution Control District. Those responses are attached for the Board's review.

### **FINANCIAL CONSIDERATIONS**

The applicant has paid a deposit and has agreed to process the amendments under a Real Time Billing Agreement, which will allow for the recovery of the actual cost of processing, and the applicant is required to fund the preparation of a supplemental/subsequent EIR.

### **RESULTS**

Authorization of this amendment application will allow continued processing, including preparation of an EIR, draft amendments to the Black Lake Specific Plan, and public hearings at the Planning Commission and Board of Supervisors.

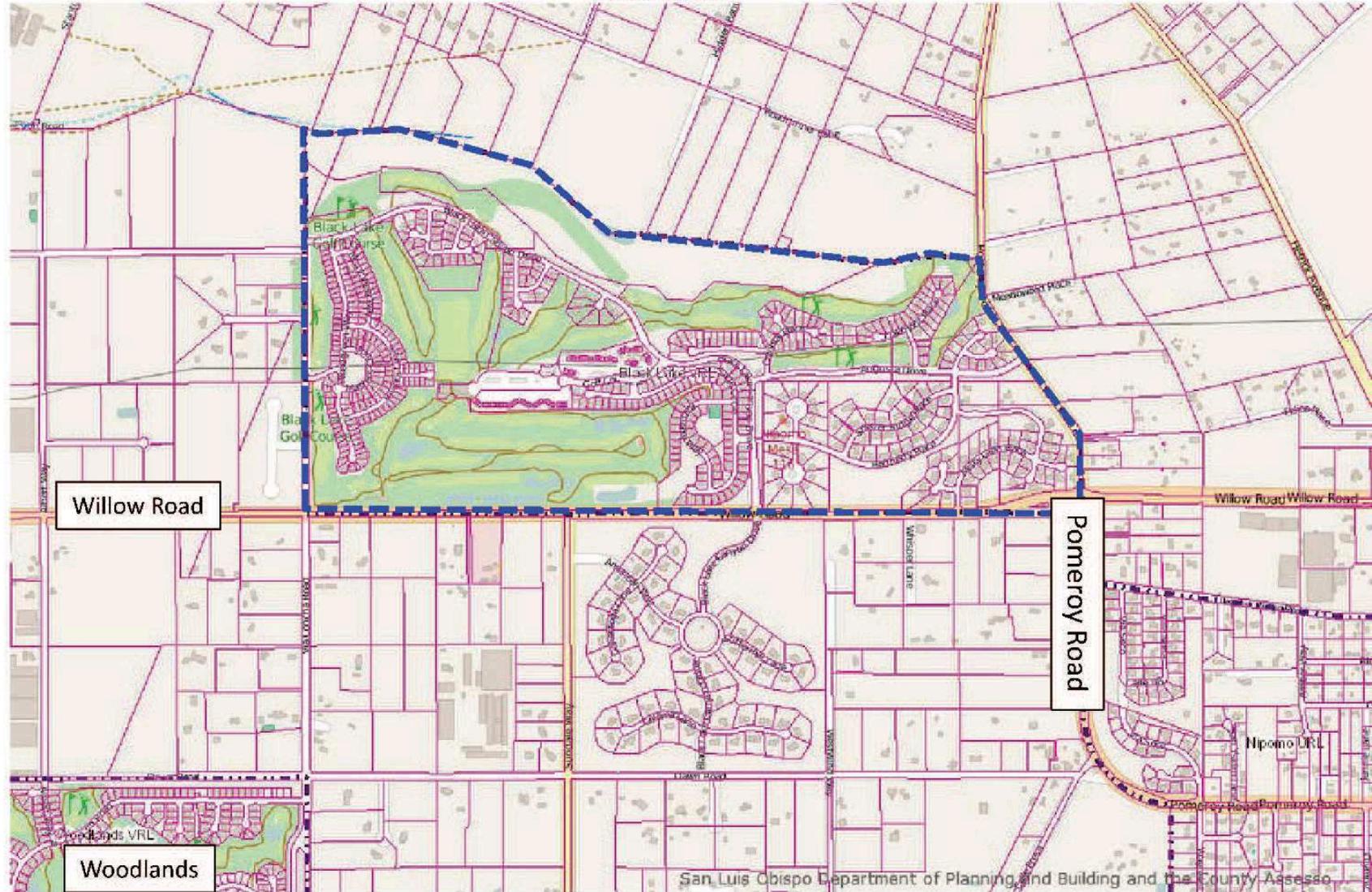
Not authorizing the application will stop the further processing of the proposed amendments; this applicant and other landowners in Black Lake Village may continue to pursue land use entitlements pursuant to the existing Black Lake Specific Plan.

The authorization hearing is consistent with the county-wide goal of providing a well governed community.

### **ATTACHMENTS**

- Attachment A - Graphics
- Attachment B - Applicant's Supplemental Project Statement
- Attachment C - Water Use Calculations (Existing/Proposed)
- Attachment D - Referral Responses
- Attachment E - Correspondence Received

Attachment A

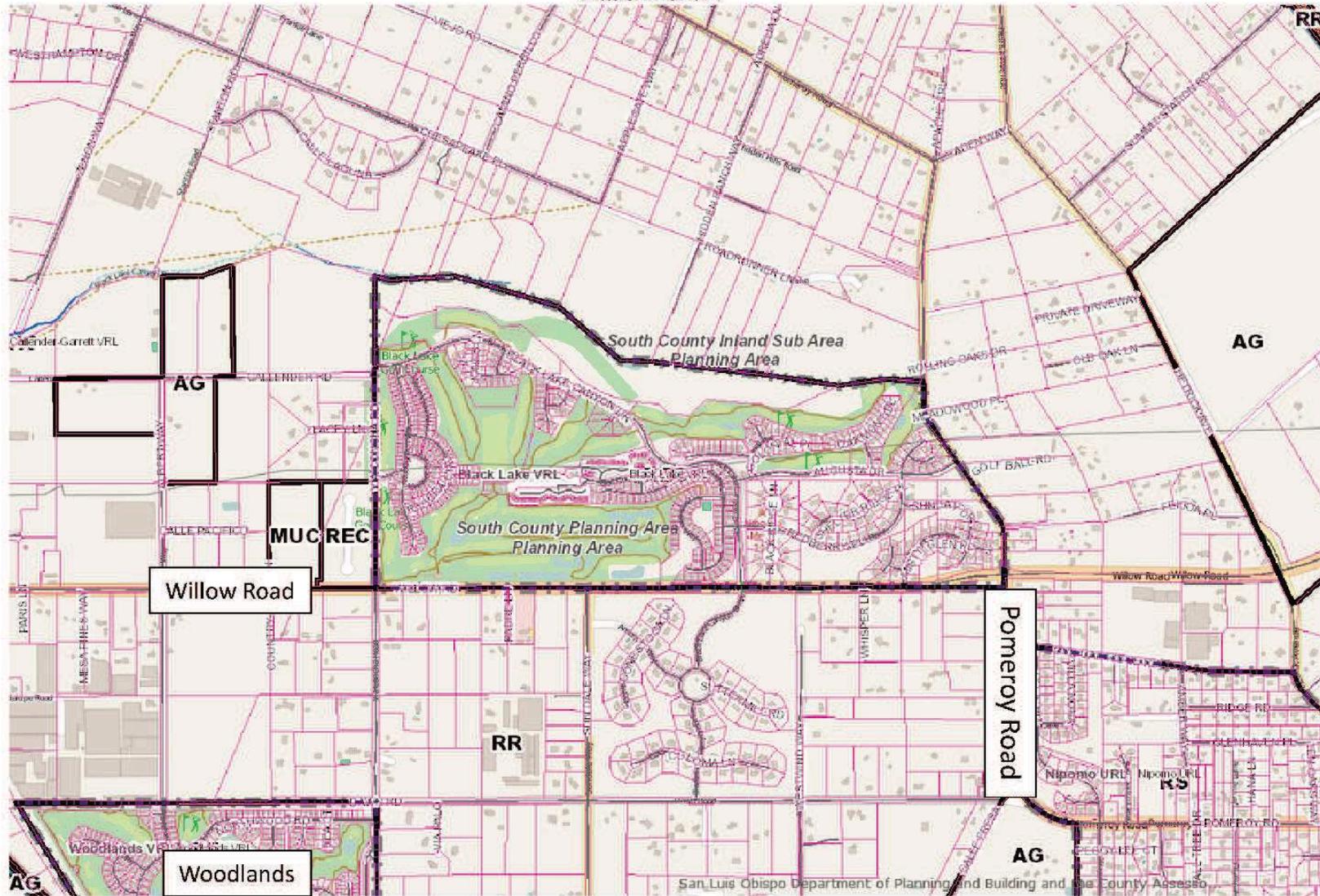


**Project**  
Black Lake Specific Plan Amendment  
LRP2014-00016



**Exhibit**  
Vicinity Map

Attachment A



**Project**  
Black Lake Specific Plan Amendment  
LRP2014-00016



**Exhibit**  
Land Use Category Map



# BLACK LAKE SPECIFIC PLAN AMENDMENT REQUEST

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BOARD OF SUPERVISORS  
AUTHORIZATION HEARING  
PROJECT STATEMENT

## **BLACK LAKE VILLAGE PLAN**

### **Specific Plan Amendment**

### **Supplemental Project Statement**

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#### **OVERVIEW**

The following request is provided by the applicant, Blacklake Golf Resort LLC, for Amendments to the existing Blacklake Specific Plan. The Amendments requested include an increase in the allowed residential density and the addition of Hotels and other affiliated uses typically allowed in the Recreation land use category to Table III-A of the Black Lake Specific Plan.

Information provided below discusses the Specific Plan Amendments request. The applicant is requesting the Board of Supervisors authorize the processing of the Specific Plan Amendments.

#### **HISTORY**

The Blacklake Golf Resort ("Blacklake" or the "Resort") was created in 1984 as a reconfigured, existing 18-hole destination resort property, which, at the time, included the Tourney Hill condominiums. These facilities accommodated large parties, visitors and tourists for golf outings and event activities. The Tourney Hills units, then privately owned by the previous owner of the golf course, effectively operated as a hotel, providing both short and long-term accommodations for the Resort customers. At the peak, after expansion from an 18-hole course into 27-holes, Blacklake would often experience over 115,000 rounds of golf per year, as well as hosting numerous banquets, events and activities for guests and residents alike. The golf course, combined with the visitor serving facilities and overnight accommodations, made Blacklake one of American Golf's premier and most successful properties within its Countrywide portfolio.

In the late 1990's the golf course ownership began to sell the Tourney Hill condominiums and most are now utilized as full-time residences. Only a few units remain as "visitor-serving rentals;" therefore, Blacklake's ability to host large golf outings and tournaments has been severely diminished. The loss of overnight accommodations, combined with the construction of new golf courses on the Nipomo Mesa, has resulted in an adverse economic impact on Blacklake. Additionally golf courses nationwide have experienced diminished business activity to the point where the economic viability of golf courses as a stand-alone use in general is threatened.

After careful consideration of various options for the property, the ownership of Blacklake has determined that the opportunity to re-instill the visitor-serving/tourist/overnight accommodations aspect which was once a vital component of the economic health of Blacklake, is a key factor for its future survival. Equally important is the opportunity to add new housing types that will both strengthen the "Village's viability" and assist in funding necessary improvements to the golf course and existing and future infrastructure.

Therefore, the proposed request has primarily two (2) interrelated components: (1) build visitor-serving accommodation facilities in the form of hotel(s), typically allowed and complimentary within the Recreational (REC) land use category; and (2) downsizing of the golf irrigated turf areas and conversion of those areas to residential uses, consistent with the surrounding neighborhoods. The additional homes provide an economic resource to help restructure the course, fund and modernize infrastructure and overall help support changes necessary within the Resort and neighborhood.

Both components are necessary, complimentary and an integral part of these proposed requests.

## **SETTING AND BACKGROUND**

Black Lake Village is located on 515 acres on the Nipomo Mesa about two miles west of the Community of Nipomo. The Black Lake Specific Plan was approved in February 1983 on what was then an existing 18-hole golf course and farm. The approval provided for 515 residential units on 515 acres and modification to the existing 18-hole golf course to become a 27-hole golf resort, encompassing approximately 200 acres. The facilities included ancillary recreational facilities, a clubhouse, restaurant, banquet and bar, tennis courts, swim club, maintenance facilities, pro-shop, public parking areas, and golf cart storage. There are also recreation areas adjacent to Willow Road which allowed a variety of recreational oriented uses. The 1983 Specific Plan set aside a major portion of Black Lake Canyon as open space. Black Lake Canyon includes important habitat for special status species and undisturbed areas of natural vegetation. This area remains protected today.

Since 1983, the plan has undergone subsequent changes but the most notable occurred in 1998. The 1998 Specific Plan Amendment approved an increase in residential development from 515 units to 559 units, the addition of up to 5,000 square feet of use area for Food and Beverage Retail Sales to allow for a small neighborhood market. Also established was the Village Reserve Line around the Specific Plan property to allow the residential density to be under one (1) unit per acre.

Realizing that economic situation for Blacklake was becoming dire in 2004, Blacklake's ownership met with representatives of the Blacklake community, known as the liaison committee, and over a period of more than a year, developed an agreement that would facilitate moving forward with a project that added development to the Resort and had community's support. Proposed modifications to the golf course included a variety of areas.

Between the time of that agreement and the last five (5) years, economic changes have impacted the nature and scope of what would be economically viable. The new plan is similar in size, placement and nature of the facilities planned in 2004 but "refined" to meet current market demands.

## **PROJECT OBJECTIVES; VILLAGE RECREATION**

The applicant's overall objective is to "return" Blacklake to a unique destination resort. This necessitates modification of the existing Specific Plan and other related entitlements to incorporate additional residential density and add visitor serving uses, hospitality uses, and overnight accommodations as well as "community services" that will serve the residents of Blacklake and adjacent neighborhoods /communities.

## Attachment B

As previously stated, today the economic viability of Blacklake as a “free standing” course is in jeopardy. In order to compete and restore Blacklake’s economic viability, Blacklake Golf Resort LLC is proposing to transform the Blacklake Golf Resort back into the “destination” it once was when it included overnight lodging accommodations. The plans also incorporate “neighborhood” services and amenities. The ‘resort” becomes the centerpiece, not only serving as a visitor destination with overnight accommodations but also as a community center able to serve some of the daily needs of the residents of Blacklake and surrounding neighborhoods.

The intent is to increase business, including golf rounds by adding the resort components and building additional single family and “retirement village” units. All uses combined will enable Blacklake Village to move into the future as an economically viable recreational community.

### REQUIRED APPROVALS:

- I. Specific Plan Amendment
- II. Vesting Phased Tentative Tract Map
- III. Phased Conditional Use Permit
- IV. Process for Entitlements
  - Board of Supervisors Authorization
  - Planning Commission Hearing for Specific Plan Amendment
    - Recommendation to the Board of Supervisors on the proposed amendments and environmental document
    - Board of Supervisors Hearing for Specific Plan Amendment Consider Planning Commission recommendation and take final action on the proposed amendments.
  - Planning Commission Hearing for Phased Vesting Tentative Tract Map and Phased Conditional Use Permit
    - Final action

### SPECIFIC PLAN AMENDMENT REQUEST DETAILS:

The overall development plans are still conceptual and significant refinement is expected as outreach is ongoing with current residents. We expect these conceptual plans will be refined based on this ongoing dialogue, with final plans expected by February, 2015. Knowing there are likely going to be modifications to the existing conceptual plans, for purposes of the Specific Plan Authorization Hearing, we request the Authorization to contemplate the general merits of the request(s); increased residential density and the

## Attachment B

addition of resort hospitality components. Presuming general concepts are supported by the Board, the specific design details will be vetted through the Specific Plan Amendment Applications.

Knowing the sensitivity we all share regarding water, these plans have been conceived to produce a substantial positive “water savings” approach. The plans are consistent with and compatible with Blacklake neighborhood/community standards. “Intent to Serve” letters have been issued by the Nipomo Community Services District, the following general assumptions of project scope were provided to the NCSD:

**Conceptual Project Components:**

- 90-100 Golf Bungalows (Single Family Residences)
- Re-Establish existing Clubhouse at existing Willow Road entry, including visitor & member amenities
- 60-80 Retirement Village duplexes
- 100-120 Hotel Suites – Visitor Serving and Neighborhood Serving Accessory Uses (Village Center)
  - Restaurant, Neighbor, Retail, and continued Banquet & Event
- Relocate existing Maintenance Facilities
- Upgrades to Golf Course & Water Conservation implementation

**Development Locations: All projects are proposed within existing, developed areas of the Resort property:**

- The Lodge & Village Center are proposed to be located in the vicinity of the existing Clubhouse. The Resort components will include re-creation of the existing restaurants, lounge, meeting and banquet facilities. Also included will be accessory retail and services square footage to serve neighbors and visitors alike.
- The Golf Bungalows (small lot SFR) are sited in various locations throughout the existing golf course. The majority of these units will be located between the existing Clubhouse and Willow Road. Other units are scattered in small pockets throughout the project site. All units are proposed to be located on what are currently existing, irrigated turf areas, thus significantly reducing irrigated turf.
- The Retirement Village homes are anticipated to be attached and detached units. These units will be located near the Lodge & Village Center, again, within existing irrigated turf areas. Convenient cart and walking paths will be created.
- A new Clubhouse and Lodge may include “time share units” and possibly limited, overnight RV spaces.
- The former Clubhouse (currently Maintenance) will be expanded with facilities, including visitor accommodations and recreation facilities.
- A new north – south vehicular connection (private road) is proposed connecting the Resort area to Willow Road. This is a significant circulation benefit for the existing community.
- Trails and pedestrian paths apart from and including golf paths will connect the existing and proposed communities to the Village Center.

## Attachment B

**Water Use:**

The projects will result in a significant reduction of existing irrigated turf and thus ground water use. The effect will be increased groundwater recharge and the project will import new water to serve the proposed development. Supplemental Water will be purchased to serve the demands of all new development. The NCSD conditionally approved Intent to Serve requests at their October 22, 2014 meeting. Copies of the letters are included in this Authorization Request Package.

**Existing water sources utilized by the golf resort include the following:**

- Approximately 400-500 AF/YR of ground water is used for irrigation. This water is provided from several, private, on-site wells.
- Additionally, approximately 50 AF/YR of treated (recycled) water is received from the NCSD/Blacklake wastewater plant, it is blended and applied to portions of the golf course for supplemental irrigation water.
- Additionally, approximately 8.5 AF/YR of “domestic water” is currently provided by NCSD to Blacklake Golf Resort for its existing facilities.

Based on the current “conceptual plan,” a total “water savings” of approximately 120 AF/YR may be achieved by development of the projects. The water savings will be accomplished through several means, as follows:

**Reduction in Existing Groundwater Use: 95 AF/YR:**

- The project includes modifications to the existing golf course, including various improvements to the existing irrigation system, water storage facilities and a reduction of irrigated turf. The irrigation improvements and removal of existing irrigated turf areas will result in a water savings estimated by the project engineer of 95 AF/YR.

**Increase in Groundwater Recharge: 26 AF/YR:**

- Based on the current conceptual plan, the new uses will require the purchase of approximately 32.1 AF/YR of water from the NCSD. This “new” imported water source will result in an additional 25.7 AF/YR treated effluent which in turn becomes added “gray water” for resort irrigation.

## SUMMARY OF REQUESTS:

### **Addition of Hotels and Motels to the Allowable Use Table:**

The existing Specific Plan includes Hotels and Motels and ancillary uses as an allowable use (Page I-4); however, the Development and Phasing Plans that were approved in 1983 did not specifically include Hotel facilities. The current project is proposing to specify Hotel and Motels (including Timeshares and interval ownerships) as an allowable use within the Primary and Secondary Recreational Areas, subject to a future Conditional Use Permit approval.

### **Removal of the Location Limitation for Food and Beverage Retail Sales:**

In order to provide additional community/neighborhood serving opportunities within Blacklake Village, the location limitation for Food and Beverage Retail Sales should be removed from the Primary Recreation Area Use Chart. This will allow a small market and other community and visitor-serving uses to be located in the Resort Village/Lodge area.

### **Amend Allowable Use Table for Secondary Recreation Areas to include Eating and Drinking Places and RV Parks, subject to Conditional Use Permit Approval:**

This modification will allow the previous Clubhouse use that is located adjacent to Willow Road to be officially reestablished. This area is intended to serve as a smaller secondary clubhouse to serve residents, visitors, and community members looking for a more community oriented experience. A limited overnight Recreational Vehicle (RV) parking area is proposed in this area as a means to provide on-site accommodations to visitors that are traveling in RV's. The RV area will provide full hook-ups to ensure that generators are not used thereby eliminating noise impacts that are typically associated with RV parks. Timeshare/interval units are also proposed in this area to provide additional lodging options.

### **Increase in Residential Density**

The project includes a request to increase the current residential density specified in the Specific Plan. The existing Specific Plan allows 559 residential units. While the exact numbers for the current proposal have not been finalized, it is anticipated that the Specific Plan Amendment request will include approximately an additional 160 residential and retirement units. However, residential unit counts may increase or decrease based on feedback from the existing residents on the various housing types being contemplated by the ownership. The additional units will be achieved through a mix of small lot single family residential units consistent with existing development and clustered; small footprint attached and detached units (Retirement Village).

# Blacklake Community Meeting

County of San Luis Obispo Application

Conceptual Specific Plan Amendment, Tract Map, and Conditional Use Permit

August 27, 2014

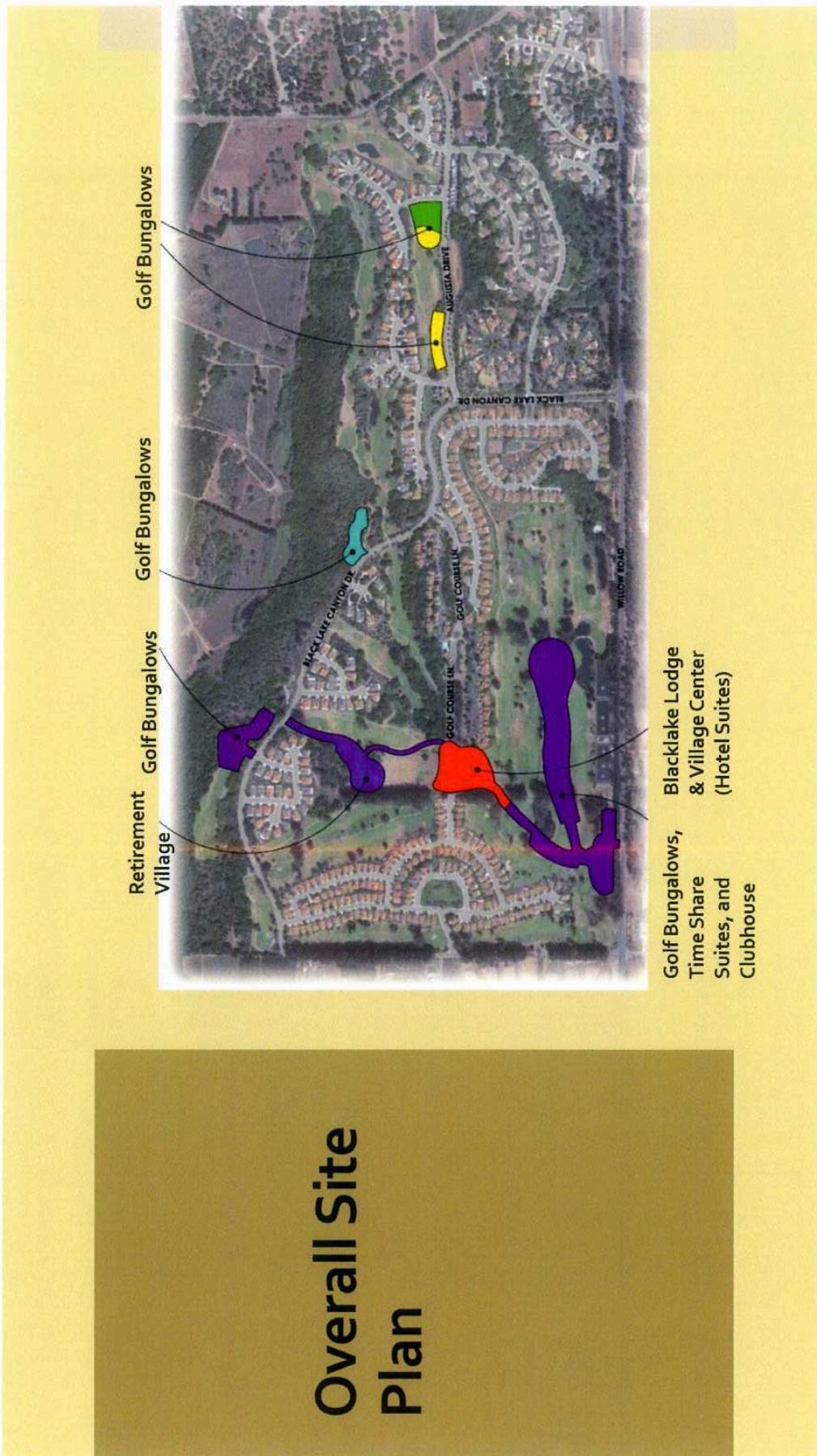
## Conceptual Project Overview

- **Amendment Specific Plan**
  - Modify allowed uses to include Hotel
  - Conceptual Additional Residential Development
- **Tract Map**
  - Conceptual Residential Subdivision
    - Single Family Residential
    - Retirement Village
- **Conditional Use Permit**
  - Conceptual Hotel / Resort
  - Restaurant / Retail Uses

## Conceptual Project Components

### Proposed Development to include:

- 93 Golf Bungalows (Single Family Residences)
- 11 Time Share Suites and New Clubhouse
- 52 Retirement Village Units
- 119 Hotel Suites – Visitor and Neighborhood Serving Accessory Uses
  - Restaurant, Retail, Banquet
- Re-Establish Club House at Willow Road
- Relocate Maintenance Facilities
- Upgrades to Golf Course



# Overall Site Plan



**Conceptual  
Development  
with access to  
Willow Road**

**60 Golf Bungalows  
11 Time Share Suites  
New Clubhouse**



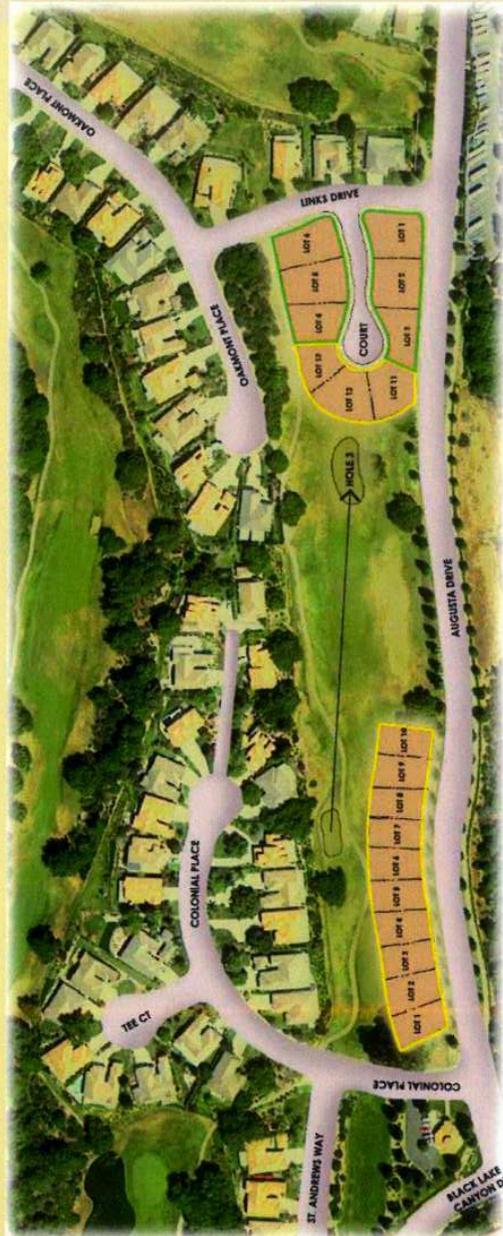


# Conceptual Development at Hole 6

7 Golf Bungalows



**Residences at  
Blacklake  
Canyon Drive  
7 Golf Bungalows**



# Conceptual Residences at Hole 3 19 Golf Bungalows



# Conceptual Retirement Village at Hole 1

52 Small Footprint Attached Units  
13 Fourplexes

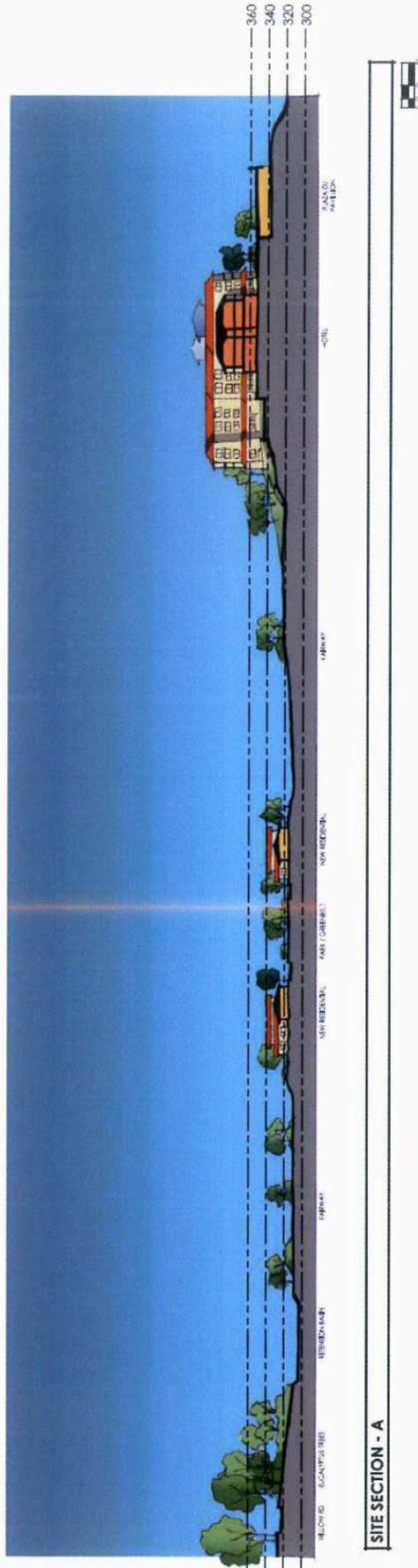


**Conceptual  
Blacklake Lodge  
& Village Center**

**119 Hotel Suites  
Restaurant / Lounge  
Meeting Rooms  
Banquet Rooms  
Retail  
Event Areas**

*Blacklake Village pedestrian  
and golf cart community  
character will be retained*

Attachment B



# Cross Section A



# Projected Total Water Use for Proposed Development

• 32.2 Acre Feet / Year

# Purchase Supplemental Water from NCSD for New Development

## Projected Water Use

Unit Type	Unit Quantity	Rate ft/yr	AFY
Golf Bungalows (Single Family)	93	0.15	14.0
Hotel Suites and Facilities	130	0.1	13.0
Retirement Village	52	0.1	5.2
<b>Total</b>			<b>32.2</b>

# Water Savings

## Projected Water Savings:

- Reduction in Turf Areas
- Improvements / Upgrades to Existing Irrigation System

**94.9 Acre Feet / Year**

Modification	AC and AFY	Rate ft/yr or %	AFY
Reduced Turf Area (AC)	23	2.6	59.8
Improved Irrigation System (AFY)	458.5	0.05	22.9
Conversion of Turf to Vines/Orchards (AC)	15	1	15.0
Increase in Pond Area (AC)	1.5	1.87	-2.8
<b>Total</b>			<b>94.9</b>

# Waste Water Recharge from New Development

## 25.7 Acre Feet / Year

# Additional Waste Water Recharge

Resulting Additional Waste Water Recharge from New Development			
Unit Type	Water Usage AFY	Recharge Rate %	AFY
Golf Bungalows (Single Family)	13.95	80%	11.2
Hotel Suites & Facilities	13	80%	10.4
Retirement Village	5.2	80%	4.2
<b>Total</b>			<b>25.7</b>

# Projected Reduction in Groundwater Pumping

## 120.6 Acre Feet / Year

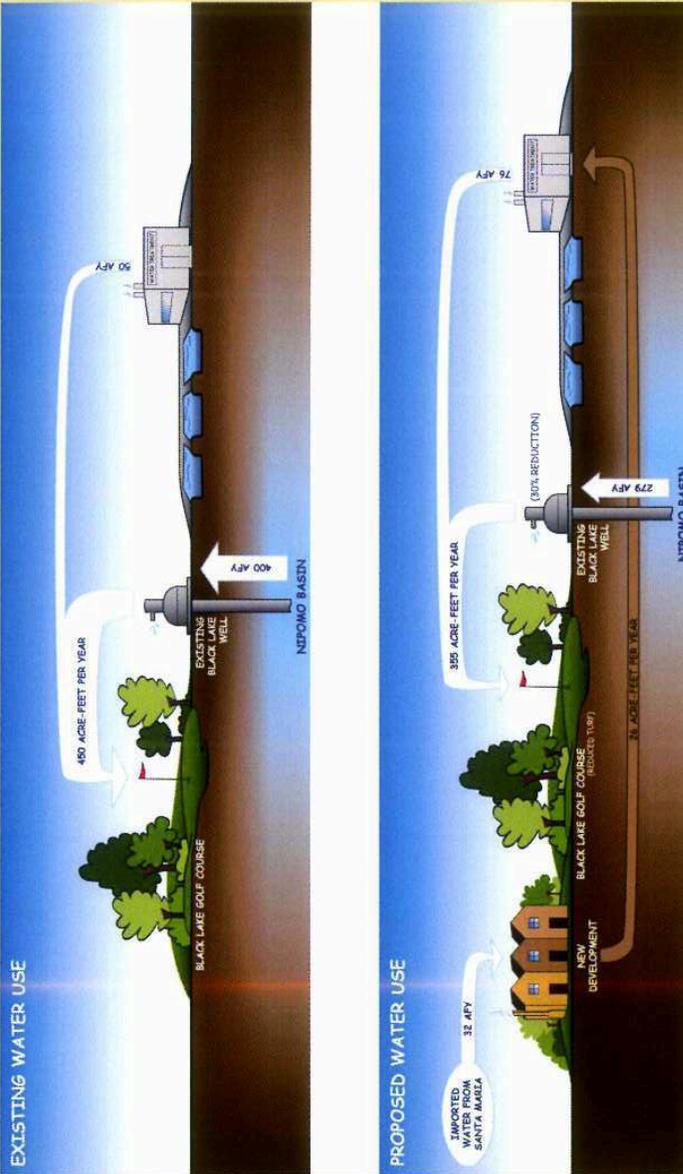
# Reduced Groundwater Extraction

Projected Water Savings Item	AFY
Resort Modifications (Reduction in Turf)	94.9
Waste Water Recharge From New Developmer	25.7
<b>Total Project "Savings"</b>	<b>120.6</b>

# Water Savings Summary

## Proposed development will reduce water use from the Nipomo Mesa Basin by:

- IMPORTING water from Santa Maria
- Increase recycled water used for irrigation – Removal of irrigated turf
- Replace irrigation system with more water efficient system



## **Project will Pay its Fair Share for Improvements to Existing Sewer Deficiencies**

- Relocate and Replace Aging Sewer Line
- Line Wastewater Ponds

## **Additional Units and Uses will Reduce Overall Assessment for Existing Residents**

## **Improvements to Sewer**

## Next Steps

- **NCSD**
- **Board of Supervisors Authorization Hearing**
- **Submit Formal Applications to County**
- **Supplemental EIR**
- **Planning Commission Hearing**
- **Board of Supervisor's**
- **Planning Commission**
- **Approval Early to Mid 2016**

**Blacklake Resort Lodge, Bungalows, Retirement and Recreation Facilities**  
**Existing vs. Proposed Water Utilization**

8/19/2014

**Existing Resort - Turf, Landscape and Domestic Water Uses**

Source	Annual Consumption AFY
Wells (400 to 500 AF Annually)	400 Approximate, varies year to year
NCS D Treated Waste Water Currently Utilized	50
NCS D Domestic Water (Metered)	8.5
<b>Total</b>	<b>458.5</b>

**Proposed Water Savings Due to Resort Modifications (Changes in Turf)**

Modification	AC and AFY	Rate ft/yr or %	AFY
Reduced Turf Area (AC)	23	2.6	59.8
Improved Irrigation System (AFY)	458.5	0.05	22.9
Conversion of Turf to Vines/Orchards (AC)	15	1	15.0
Increase in Pond Area (AC)	1.5	1.87	-2.8
<b>Total</b>			<b>94.9</b>

**Proposed New Development Water Usage Imported from NCS D**

Unit Type	Unit Quantity	Rate ft/yr	AFY
Golf Bungalows (Single Family)	93	0.15	14.0
Hotel Suites and Facilities	130	0.1	13.0
Retirement Village	52	0.1	5.2
<b>Total</b>			<b>32.2</b>

**Resulting Additional Waste Water Recharge from New Development**

Unit Type	Water Usage AFY	Recharge Rate %	AFY
Golf Bungalows (Single Family)	13.95	80%	11.2
Hotel Suites & Facilities	13	80%	10.4
Retirement Village	5.2	80%	4.2
<b>Total</b>			<b>25.7</b>

**Projected Water Savings**

Item	AFY
Resort Modifications (Reduction in Turf)	94.9
Waste Water Recharge From New Developer	25.7
<b>Total Project "Savings"</b>	<b>120.6</b>



Similar Facilities - Residential and Resort Water Use Data\*

Source	Total Actual Gallons	No. of Units	AF per Unit/Year
<b>Residential</b>			
Pelican Point	3,714,871	117	0.09
Skylark	2,374,320	65	0.11
Mallard Green	2,326,447	53	0.13
<b>Resort</b>			
San Luis Bay Inn	6,249,260	144	0.13
Avila Village Inn	1,581,122	30	0.16

\*Water use data compiled for similar residential and resort facilities

## Attachment C

**Blacklake Resort Lodge, Bungalows, Retirement and Recreation Facilities**  
Existing vs. Proposed Water Utilization

8/19/2014

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**Proposed New Development Water Usage Imported from NCS D**

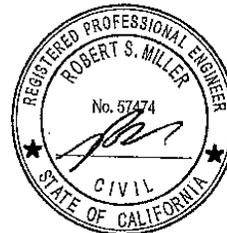
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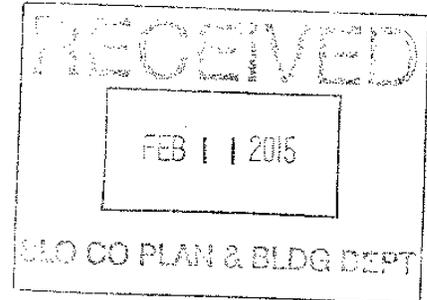
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\*Water use data compiled for similar residential and resort facilities



Air Pollution Control District  
San Luis Obispo County



February 11, 2015

Stephanie Fuhs  
SLO County Department of Planning & Building  
South County Team/Development Review  
County Government Center  
San Luis Obispo CA 93401

SUBJECT: APCD Comments Regarding LRP2014-00016 BLACK LAKE SPECIFIC PLAN  
AMENDMENT REQUEST

Dear Ms. Fuhs,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of a Proposed Specific Plan Amendment Request to amend the existing Blacklake Specific Plan. The site location is Black Lake Golf Course, on the Nipomo Mesa. The conceptual plan is as follows:

**Conceptual Project Components:**

- 90-100 Golf Bungalows (Single Family Residences)
- Re-Establish existing Clubhouse at existing Willow Road entry, including visitor & member amenities
- 60-80 Retirement Village duplexes
- 100-120 Hotel Suites – Visitor Serving and Neighborhood Serving Accessory Uses (Village Center)
  - Restaurant, Neighbor, Retail, and continued Banquet & Event
- Relocate existing Maintenance Facilities
- Upgrades to Golf Course & Water Conservation implementation

*The following are APCD comments that are pertinent to this project.*

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each.

**Please address the action items contained in this letter, with special attention to items that are highlighted by bold and underlined text.**

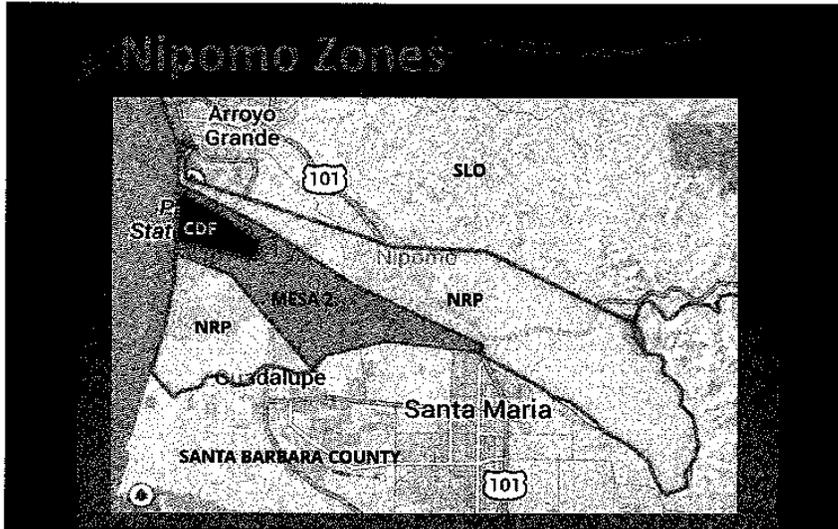
Project area impacted by particulate matter

The APCD has been investigating elevated particulate levels on the Nipomo Mesa for the past decade. Studies performed by the APCD in the area have shown the source of the

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 February 11, 2015  
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elevated particulate matter (PM) pollution to be windblown dust from the open sand areas of the Oceano Dunes State Vehicular Recreation Area (SVRA), and that emissions are increased by off road vehicle activity.

The data gathered from the studies provided a detailed and comprehensive picture of the path, concentration gradient and influence of different wind conditions on the dust plume. Most dust episodes showed a remarkable similarity in plume extent and concentration gradient, with the main variable being the severity of the event. The APCD defined four zones of dust plume influence as labeled below, CDF, MESA2, NRP and SLO:



The darker colors signify the typical location of the dust plume and the greater impacts. The CDF zone receives the most significant impacts, with roughly 60-95 exceedances of the state PM10 standard each year. MESA2 has roughly 30-60 exceedances annually. This proposed project is in the NRP zone, which has roughly 0-20 exceedances annually.

In November 2011, the APCD Board adopted Rule 1001 to mitigate the blowing dust impacts on the Mesa. Individuals can receive daily air quality forecasted conditions via email by registering on EPA's EnviroFlash website (<http://www.enviroflash.info>) and entering ZIP code 93444.

#### CONSTRUCTION PHASE IMPACTS - Insufficient Information

Sufficient information regarding the construction phase emissions for this project was not provided to quantify the air quality impact. **An air quality impact assessment of the construction phase needs to be completed that quantifies the impacts, and incorporates mitigation if impacts are above the APCD's thresholds** (see Table 2-1 of the 2012 CEQA Air Quality Handbook).

**At a minimum, the construction phase air quality assessment needs to document the following information/assumptions that will be used in the modeling:**

- Area of disturbance;
- An estimation of the number and type of construction equipment operating throughout the

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- construction phase of the project;
- Identify sensitive receptors within 1000 feet of the construction boundary (see Section 2.1.1 in the CEQA Air Quality Handbook);
- If project includes cut and fill and/or hauling (on-site or off-site), then the assessment should identify the fleet mix, hauling route (minimize sensitive receptor impact) and number of trips per day;
- Time frame for the operation of construction equipment during the project, which includes:
  - Estimated construction schedule for all phases including anticipated phase overlaps;
  - An estimation of the number of daily operating hours for the equipment;
  - An estimation of equipment that would operate simultaneously on a given day;
- Total square footage of the property;
- Square footage and other relevant metrics for the buildings of each proposed land use type (e.g., number of units, hotel/motel rooms etc.);
- Square footage of each building footprint, if this area differs from the total square footage (i.e. multi-story buildings);
- Square footage and type of parking facilities;
- Square footage of open space/landscaped area; and
- Square footage of roads/driveways.

#### Dust Control Measures

Construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. **Projects with grading areas that are greater than 4-acres or are within 1,000 feet of any sensitive receptor shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD's 20% opacity limit (APCD Rule 401) or prompt nuisance violations (APCD Rule 402):**

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60 minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- c. All dirt stock pile areas should be sprayed daily and covered with tarps or other dust barriers as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless

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February 11, 2015

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- seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
  - i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
  - j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
  - k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall use reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible;
  - l. All PM<sub>10</sub> mitigation measures required should be shown on grading and building plans; and,
  - m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below the APCD's limit of 20% opacity for greater than 3 minutes in any 60 minute period. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

Water use as mitigation during a drought

**Since water use is a concern due to drought conditions, the contractor or builder shall consider the use of an APCD-approved dust suppressant(s) to reduce the amount of water used for fugitive dust control.** For a list of suppressants, see Section 4.3 of the CEQA Air Quality Handbook that can be accessed at the following website:  
<http://slocleanair.org/business/landuseceqa.php>.

Standard Mitigation Measures for Construction Equipment

The standard construction equipment mitigation measures for reducing nitrogen oxide (NO<sub>x</sub>), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions are listed below and in section 2.3.1 of the APCD's 2012 CEQA Handbook. **These measures are applicable to all projects where construction phase emissions exceed APCD thresholds:**

- Maintain all construction equipment in proper tune according to manufacturer's specifications;
- Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
- Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- Construction or trucking companies that do not have engines in their fleet that meet the engine standards may be eligible for alternative compliance scenarios (discuss with APCD staff);

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February 11, 2015

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- All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;
- Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- Electrify equipment when feasible;
- Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
- Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

#### Construction Activity Management Plan

If the estimated construction emissions from the project fleet are expected to exceed either of the APCD Quarterly Tier 2 thresholds of significance (ROG+NO<sub>x</sub> and/or PM, after the standard measures and BACT measures are factored into the estimation), then an APCD approved CAMP and off-site mitigation need to be implemented in order to reduce potential air quality impacts to a level of significance. See the APCD's 2012 CEQA Handbooks Technical Appendix 4.5 for CAMP Guidelines.

#### **The CAMP should be submitted to the APCD for review and approval prior to the start of construction and should include, but not be limited to, the following elements:**

- A Dust Control Management Plan that encompasses all, but is not limited to, dust control measures that were listed above in the "dust control measures" section;
- Tabulation of on and off-road construction equipment (age, horse-power and miles and/or hours of operation);
- Schedule construction truck trips during non-peak hours to reduce peak hour emissions;
- Limit the length of the construction work-day period, if necessary; and,
- Phase construction activities, if appropriate.

#### Construction Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit.

The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the APCD's 2012 CEQA Handbook.

- Power screens, conveyors, diesel engines, and/or crushers;
- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generator;
- Internal combustion engines;
- Rock and pavement crushing;
- Unconfined abrasive blasting operations;
- Tub grinders;
- Trommel screens; and,
- Portable plants (e.g. aggregate plant, asphalt batch plant, concrete batch plant, etc).

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February 11, 2015  
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**To minimize potential delays, prior to the start of the project, please contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.**

#### Naturally Occurring Asbestos

Naturally Occurring Asbestos (NOA) has been identified by the state Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common throughout California and may contain naturally occurring asbestos. The SLO County APCD has identified areas throughout the County where NOA may be present (see the APCD's 2012 CEQA Handbook, Technical Appendix 4.4). If the project site is located in a candidate area for Naturally Occurring Asbestos (NOA), the following requirements apply. Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations (93105), **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. An exemption request must be filed with the APCD.** If the site is not exempt from the requirements of the regulation, the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. More information on NOA can be found at <http://www.slocleanair.org/business/asbestos.php>.

#### Demolition of Asbestos Containing Materials

Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during the demolition or remodeling of existing buildings or the disturbance, demolition, or relocation of above or below ground utility pipes/pipelines (e.g., transite pipes or insulation on pipes). **If this project will include any of these activities, then it may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP).** These requirements include, but are not limited to: 1) written notification, within at least 10 business days of activities commencing, to the APCD, 2) asbestos survey conducted by a Certified Asbestos Consultant, and, 3) applicable removal and disposal requirements of identified ACM. Please contact the APCD Enforcement Division at (805) 781-5912 for further information.

#### Developmental Burning

Effective February 25, 2000, **the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.** If you have any questions regarding these requirements, contact the APCD Enforcement Division at 781-5912.

#### Tree Removal

The APCD recommends planting native species to replace any plants or trees slated for removal. The APCD recommends planting native local species that have been shown to mitigate particulate emissions, such as some types of conifer trees. The APCD recommends removing the vegetation only after the new vegetation has reached maturity and has mass similar to the removed vegetation.

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February 11, 2015  
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#### Construction Phase Idling Limitations

The project is in close proximity to nearby sensitive receptors. Projects that will have diesel powered construction activity in close proximity to any sensitive receptor shall implement the following mitigation measures to ensure that public health benefits are realized by reducing toxic risk from diesel emissions:

**To help reduce sensitive receptor emissions impact of diesel vehicles and equipment used to construct the project, the applicant shall implement the following idling control techniques:**

#### California Diesel Idling Regulations

- a. **On-road diesel vehicles** shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
  1. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
  2. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.
- b. **Off-road diesel equipment** shall comply with the 5 minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use off-Road Diesel regulation.
- c. Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the state's 5 minute idling limit.
- d. The specific requirements and exceptions in the regulations can be reviewed at the following web sites: [www.arb.ca.gov/msprog/truck-idling/2485.pdf](http://www.arb.ca.gov/msprog/truck-idling/2485.pdf) and [www.arb.ca.gov/regact/2007/ordiesl07/fr00al.pdf](http://www.arb.ca.gov/regact/2007/ordiesl07/fr00al.pdf).

#### Truck Routing

Proposed truck routes should be evaluated and selected to ensure routing patterns have the least impact to residential dwellings and other sensitive receptors, such as schools, parks, day care centers, nursing homes, and hospitals. If the project has significant truck trips where hauling/truck trips are routine activity and operate in close proximity to sensitive receptors, toxic risk needs to be evaluated.

#### OPERATIONAL PHASE IMPACTS – Insufficient Information

Sufficient information regarding the operational phase emissions for this project was not provided to quantify the air quality impacts. **An air quality impact assessment of the operational phase**

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February 11, 2015  
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**needs to be completed that quantifies the impacts and incorporates mitigation if impacts are above the APCD's thresholds in Table 3-2 of the CEQA Air Quality Handbook.**

**At a minimum, the operational phase air quality assessment needs to document the following information/assumptions that will be used in the modeling:**

- Total square footage of the property;
- Square footage and other relevant metrics for the buildings of each proposed land use type (e.g., number of units, hotel/motel rooms, etc.);
- Square footage of each building footprint if this area differs from the total square footage (i.e. multi-story buildings);
- Square footage and type of parking facilities;
- Square footage of open space/landscaped area;
- Square footage of roads/driveways;
- Traffic study or other APCD approved traffic information (if trip rates other than CalEEMod default rates are used);
- Trip mileage differences from CalEEMod default mileage values if these defaults do not represent the project's anticipated trip distances (e.g. motels/hotels);
- If project includes hauling, identify fleet mix, hauling route (must minimize sensitive receptor impact) and number of trips per day;
- Identify sensitive receptors within 1000 feet of property boundary (see Section 2.1.1 in the CEQA Air Quality Handbook); and
- Identify operational activity that will release toxic air contaminant (e.g., diesel back-up generator, loading dock, gasoline station).

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at 781-5912.

Sincerely,



Gary Arcemont  
Air Quality Specialist

GJA/arr

cc: Tim Fuhs, Enforcement Division, APCD

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*FFH*



SAN LUIS OBISPO COUNTY

**DEPARTMENT OF PLANNING AND BUILDING**

THIS IS A NEW PROJECT REFERRAL

**RECEIVED**

DATE: 1/28/2015

TO: \_\_\_\_\_

*PW*

JAN 29 2015

FROM: Stephanie Fuhs (805-781-5721 or sfuhs@co.slo.ca.us)  
South County Team / Development Review

COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PUBLIC WORKS

PROJECT DESCRIPTION: LRP2014-00016 BLACKLAKE GOLF COURSE - Proposed amendment to Blacklake Specific Plan, see supplemental project statement for details. Site location is Blacklake Golf Course. APNs: 091-411-006, 091-411-019, 091-411-026, 091-441-026, and 091-442-026.

Return this letter with your comments attached no later than: 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- YES (Please go on to PART II.)
- NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
- NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

\_\_\_\_\_  
*See attached*  
\_\_\_\_\_

2-20-15  
Date

Frank Honeycutt  
Name

x-1596  
Phone



SAN LUIS OBISPO COUNTY  
**DEPARTMENT OF PUBLIC WORKS**

Wade Horton, Director

---

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252  
Fax (805) 781-1229 email address: pwd@co.slo.ca.us

---

**MEMORANDUM**

Date: February 20, 2015  
To: Stephanie Fuhs, Project Planner  
From: Frank Honeycutt, Development Services  
Subject: **Public Works Comments on LRP2014-00016, Blacklake Golf Course Specific Plan Amendment, APN 091-411-006, 091-411-019, 091-411-026, 091-441-026, and 091-442-028**

Thank you for the opportunity to provide information on the proposed subject project. It has been reviewed by several divisions of Public Works, and this represents our consolidated response.

---

**Public Works Comments:**

- A. Please provide a traffic engineering study that evaluates traffic impacts to the nearby roads. At a minimum the study out to address the following:
  - a. Demand and delay at the Villa Concha Road, Blacklake Canyon Road, Misty Glenn Lane and Pomeroy Road intersections with Willow Road.
  - b. Evaluate the need or the timing for the need to signalize the above intersections.
  - c. New connections to Willow Road are discouraged. Therefore, evaluate alternative connection points to Willow Road other than the proposed Blacklake Lodge Road.
  - d. Evaluate
- B. Applicant should be advised that new development will be subject to the South County Road Improvement Fee Area 2.
- C. Applicant should be advised that the traffic study modeling for the South County Road Improvement Fee is currently undergoing an update. As this proposal is not (yet) included in the General Plan, this proposal will not be evaluated. However, the modeling information can be made available to the applicant as it is completed; anticipated summer 2015. Revising the model to accommodate this proposal has the potential increase but more likely lower the fee.
- D. Stormwater runoff quality and the handling of drainage have not been addressed in the information provided. The conceptual use of drainage retention and Low Impact Development (LID) in the proposal should be included at the specific plan level. A more detailed Stormwater Control Plan will be required with a future tract map application.
- E. Public Works will defer to Nipomo CSD on most matters regarding water supply and wastewater treatment. However, it is expected that the applicant will fully demonstrate to the County that the groundwater resources in the Blacklake area will not be adversely affected.

V:\DEVSERV Referrals\Land Divisions\Tract Maps\Blacklake GC Ammend LRP2014-00016.doc



**CAL FIRE**  
**San Luis Obispo**  
**County Fire Department**

635 N. Santa Rosa • San Luis Obispo, CA 93405  
Phone: 805-543-4244 • Fax: 805-543-4248  
[www.calfireslo.org](http://www.calfireslo.org)



*Robert Lewin, Fire Chief*

February 21, 2015

County of San Luis Obispo  
Department of Planning and Building  
County Government Center  
San Luis Obispo, CA. 93408

Subject: LRP 2014-00016 Blacklake Golf Course  
Proposed amendment to Blacklake specific plan. Site location is Blacklake Golf Course.  
APN's 091-411-006, 091-411-019, 091-411-026, 091-442-028

Stephanie Fuhs,

**Construction requirements**

The project is located within a HIGH fire hazard severity zone with a minimum 5 minute response time from the nearest County Fire Station. The project and applicant shall comply with the approved CUP, 2013 California Fire Code (CFC), the 2013 California Building Code (CBC), the Public Resources Code (PRC), California Code of Regulations (CCR), Code of Federal Regulations (CFR), current edition of applicable NFPA requirements, Title 16 of the San Luis Obispo County Ordinance, and any other applicable fire laws.

**Concerns**

The Nipomo Mesa has a well-established commercial business area, and thousands of homes are now in the initial response area of the Mesa Fire Station 22. Fire and life safety services are provided by the existing two person engine company to the thousands of residents, businesses, industrial facilities and visitors to the Nipomo Mesa.

Specialized, rapid and adequately staffed response is crucial to keep incidents small and minimize the impact on fire and life safety. National Fire Protection Association (NFPA) has set the standard for a fire engine to be on scene within 4 minutes after receiving a call for assistance; arriving at scene within 4 minutes helps reduce loss of life, property and adverse impact to the environment.

Similar to other projects in Nipomo, this project will continue to add call volume at a station that is currently handling a high volume of calls, and simultaneous requests for emergency service. Previous, current, and future projects, particularly those that are known to generate significant additional needs for emergency response, have a strong potential to add a cumulative impact on emergency services staffing and public services within the community.

**Public assemblage and events**

Special events must first complete all requirements pursuant to San Luis Obispo County Land Use ordinance and building permit requirements prior to Fire Department review.

Prior to Fire Department Review, proposed event area must first complete all requirements pursuant to Title 22, the San Luis Obispo County Land Use Ordinance. This includes receiving any necessary land use permit approval and issuance of construction and Conditional Use Permit requirements.

A fire safety review is required to ensure public safety in a place of assembly, or any other place where people congregate, including but not limited to; amusement buildings, carnivals and fairs, exhibits and trade shows, open burning, flames and torches, candles, places of assembly, temporary membranes structures and tents, pyrotechnics and special effects, live audiences and any event with public attendance over 250.

A written plan must be submitted to the fire code official 30 days prior to the event. Written submittal requirements will be in accordance with Section 404 Fire Safety and evacuation plans. A field inspection verifying compliance of fire and life safety conditions must be conducted prior to public occupancy of the event. If modifications or additions to the event areas are made, an updated permit & inspection must be completed.

When the fire code official determines that an indoor or outdoor gathering of persons has an adverse impact on public safety through diminished access to buildings, structures, fire hydrants, and fire apparatus access roads or where such gatherings adversely affect public safety services of any kind, the fire code official shall have the authority to order the development of, or prescribe a plan for, the provision of an approved level of public safety. Submittal requirements can be found on line at [www.calfireslo.org](http://www.calfireslo.org)

**Fire safety and evacuation plans:**

Applicant shall provide a written Fire Safety plan whose contents shall be in accordance with sections California Fire Code Chapter 4 Emergency Planning and Preparedness. Employee training, record keeping, hazard communication and drills will also comply with this chapter. The written plan will include at a minimum the detail outlined in sections 404.3.1 (Evacuations Plans) and 404.3.2 (Fire Safety Plans).

**Water supply connection:**

A will serve letter from the local water purveyor must be submitted to CAL FIRE prior to final of this project. The expanded scope of Fire water storage, location and distribution of hydrants must be designed by a Fire Protection Engineer.

**Fire protection systems:**

All habitable structures shall be required to provide an automatic fire sprinkler system in accordance with NFPA 13. Commercial structures shall require the review of a Fire Protection Engineer and shall require 24/7 monitoring of alarm systems.

**Defensible space and construction type:**

A Vegetation Management Plan (VMP) in accordance with Public Resources Code 4291 shall be required for the phased residential and commercial development of the Blacklake Golf Course. The VMP requires 100 feet of "Defensible Space" from all structures to be free of flammable vegetation. This does not mean all vegetation must be removed but that the vegetation shall not provide a means of readily transmitting fire. All landscaping should be of fire resistive plants, preferably natives.

The construction type of all structures shall be designed in accordance with California Building Code Chapter 7A Ignition resistance requirements.

**Commercial access road(s):**

- A commercial access road must be 24 feet wide.
- Parking is only allowed where an additional 8 feet of width is added for each side of the road that has parking.

- “No Parking - Fire Lane” signs will be required.
- Fire lanes shall be provided as set forth in the California Fire Code Section 503.
- Fire access shall be provided within 150 feet of the outside building perimeter.
- Must be an all weather non-skid paved surface.
- All roads must be able to support Fire Apparatus.
- Vertical clearance of 13’6” is required.
- **Traffic calming devices (speed humps/bumps) are prohibited and shall not be allowed without fire code official approval.**
- **Security Gates and emergency egress road bollards are subject to all Code requirements and must be approved by fire code official.**

**Emergency access:**

All commercial buildings and gates shall install a Knox key box and a Knox gate switch for fire department emergency access – CFC Section 506.1. The box and switch shall be installed prior to final inspection of the building. An order form is available from the Prevention Bureau, call for more information at (805) 543-4244.

**Secondary egress**

In accordance with CFC Section 503.1.2, County Fire is requiring the applicant to provide an additional (secondary) access point.

**Pedestrian/equestrian walkways**

Pedestrian hiking paths and gates must provide strategically located emergency vehicle access. (Removable bollards and Knox switches to restrict routine vehicle traffic is acceptable) Additionally, hiking paths must post mile markers; post the names of trail intersections, parking areas, picnic and rest areas, to ensure timely location and access of requests for emergency assistance. Secondary egress

**Gates:**

- Must be setback a minimum of 30 feet from the SLO County maintained road
- Must automatically open with no special knowledge.
- Must have a KNOX key box or switch for fire department access. Call the Prevention Bureau for an order form at (805) 543-4244.
- Gate shall have an approved means of emergency operation at all times. CFC 503.6
- Gate must be 2 feet wider than the road on each side.
- Gates must have a turnaround located at each gate.

**Addressing:**

Address numbers must be legible from the roadway on all buildings. They shall be of a contrasting background and a minimum of 6” residential and 8 inches commercial high with a 1/2” stroke for commercial projects. All occupancies shall have a distinct address. A monument sign displaying the location of all buildings in the complex must be displayed in a prominent location at the entrance to the facility. All addressing and placement of street or road signs shall be done in accordance with CFC Section(s) 505.1 and 505.2.

Please call me with questions.

Sincerely,

Laurie Donnelly  
Battalion Chief/Fire Marshal  
[Laurie.Donnelly@fire.ca.gov](mailto:Laurie.Donnelly@fire.ca.gov)  
805-593-3422

Cc: Blacklake Golf Resort LLC, Kirk Consulting



## COALITION PARTNERS:

Arroyo Grande Community Hospital  
 Boys and Girls Club – South County  
 Cal Poly University  
 Art and Design Department  
 Center for Sustainability  
 Food Science & Nutrition Department  
 Kinesiology Department  
 Landscape Architecture Department  
 STRIDE  
 CenCal Health  
 Central Coast Ag Network  
 City of San Luis Obispo  
 Parks and Recreation Department  
 Community Action Partnership of  
 SLO County, Inc.  
 Dairy Council of California  
 Diringier Associates  
 Equilibrium Fitness  
 First 5 Commission of SLO  
 French Hospital Medical Center  
 Juicyful Creative Consulting  
 Kennedy Club Fitness  
 Lillian Larsen Elementary School  
 Living the Run  
 Lucia Mar Unified School District  
 Network for a Healthy California –  
 Gold Coast Region  
 North County Farmers Market Assoc.  
 Oceano Community Center  
 Paso Robles Library & Recreation Services  
 Rideshare – Safe Routes to School  
 San Luis Sports Therapy  
 San Miguel Joint Unified School District  
 San Miguel Resource Connection  
 SLO Bicycle Coalition  
 SLO Council of Governments  
 SLO County Board of Supervisors  
 SLO County Health Commission  
 SLO County Office of Education  
 SLO County Parks  
 SLO County Planning and Building  
 SLO County Public Health  
 SLO Food Bank Coalition  
 The Community Foundation SLO County  
 UC Cooperative Extension  
 YMCA of SLO County

February 23, 2015

TO: Stephanie Fuhs, San Luis Obispo County Planning  
 FROM: HEAL-SLO - Healthy Communities Work Group  
 RE: LRP2014-00016 Blacklake Golf Course

The Healthy Communities Work Group has reviewed the proposed amendment to the Blacklake Specific Plan.

We are supportive of this proposal because it is an example of infill development, a constructive and comprehensive land use and planning strategy with public health benefits (see ChangeLab Solutions' guide to healthy infill development, [Building In Healthy Infill](#)). Infill development has the potential to:

- Reduce the amount and distance that people travel in their cars and can help with the development of complete streets
- Projects that promote active transportation and public transit use can help improve regional air quality

However, it is difficult to tell from the project description if the additional amenities (hotel, restaurant, stores etc) will have maximum connectivity to the rest of the community. We encourage the developers to connect new development with existing sidewalks and to encourage walking trips over vehicle miles traveled (VMT). As there is no public transportation on the Mesa, walking trips also have the potential to create a sense of community for residents.

Thank you for the opportunity to review this project.

cc: San Luis Obispo County Health Commission

*HEAL-SLO is the SLO County obesity prevention coalition and its mission is to increase healthy eating and regular physical activity among County residents through policy, behavioral and environmental changes. In carrying out that mission, a subcommittee called the Healthy Communities Work Group provides responses to Planning staff from a healthy community's perspective on proposed land development projects, ordinance and general plan amendments, and special projects.*

## NIPOMO COMMUNITY

### BOARD MEMBERS

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JAMES HARRISON, VICE PRESIDENT  
LARRY VIERHEILIG, DIRECTOR  
DAN GADDIS, DIRECTOR  
BOB BLAIR, DIRECTOR



## SERVICES DISTRICT

### STAFF

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LISA BOGNUDA, FINANCE DIRECTOR  
PETER SEVCIK, P.E., DIRECTOR OF ENG. & OPS.  
MICHAEL W. SEITZ, GENERAL COUNSEL

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(805) 929-1133 FAX (805) 929-1932 Website address: ncsd.ca.gov

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October 22, 2014

Blacklake LLC  
c/o Jamie Kirk  
Kirk Consulting  
8830 Morro Road  
Atascadero, CA 93422

**This is not a Will Serve letter**

**SUBJECT: INTENT-TO-SERVE WATER, SEWER AND SOLID WASTE SERVICE  
APN 091-411-026, BLACK LAKE CANYON DRIVE, NIPOMO  
67 NEW SINGLE FAMILY RESIDENTIAL UNITS, ONE (1) NEW CLUBHOUSE,  
11 NEW TIME SHARE UNITS AND 52 NEW RETIREMENT UNITS**

An Intent-to-Serve letter for District services including water, sewer and solid waste for APN 091-411-026, in Nipomo, an existing 131.77 acre lot that will be developed and subdivided into 120 parcels (the "Project"), is granted with conditions.

**This Intent-to Serve-letter is limited to the Project as described above.**

**This Intent-to-Serve Letter shall be effective upon Owner's signature below. The Applicant must return a signed copy of the Intent-to-Serve Letter within thirty (30) days of issuance.**

**The following conditions must be satisfied prior to the District issuing a Will Serve Letter:**

### GENERAL CONDITIONS

- Each new single family parcel and retirement village parcel shall be served by a single one (1) inch meter and backflow assembly for indoor use and fire sprinkler service, if approved by CAL FIRE of SLO County.
- A separate one (1) irrigation meter shall be provided for any new common lot parcel. Irrigation meter capacity charges are applicable.
- The clubhouse and time share parcel shall be served by a single appropriately sized meter and backflow assembly for indoor use. Domestic meter capacity charges will be applicable.
- A separate one (1) inch irrigation meter shall be provided for the clubhouse and time share parcel. Irrigation meter capacity charges will be applicable.

- A single separate appropriately sized fire service and backflow assembly as required by CAL FIRE of SLO County shall be provided for the clubhouse and time share parcel. CAL FIRE of SLO County must approve the development plans prior to District approval. Fire service capacity charges will be applicable.
- This letter is void if land use is other than residential use as defined by the District for single family and retirement village parcels and commercial use for clubhouse and time share parcel.
- Project shall obtain solid waste, sewer and water service for all parcels.
- CAL FIRE of SLO County must approve the development plans prior to District approval. Fire capacity charges are applicable if dedicated fire service laterals are required.
- Record a restriction, subject to District approval, on all parcels prohibiting the use of well(s) to provide domestic water service to any parcel within the Project.
- Record a restriction, subject to District approval, on all parcels prohibiting use of self-regenerating water softeners.
- Comply with District water conservation program.
- Pay all appropriate District fees associated with this development. Water capacity fees will be based on the domestic meter size and irrigation meter size requested for the final County approved project as well as CAL FIRE's fire service requirements. Assuming 119 @ 1 inch domestic water meters, 1 @ 2 inch domestic water meter, 2 @ 1 inch irrigation water meters and 1 @ 4 inch fire service, the estimated water capacity fee deposit for the project is \$2,512,380 based on the current District fee schedule.
- Sewer connection charges for the project will need to be developed based on the impact of the project on the District's Blacklake wastewater collection system and Blacklake Wastewater Treatment and Reclamation Facility as identified by the District's evaluation of the existing sewer infrastructure.
- Applicant shall provide the District with a copy of County application approval and County project conditions of approval.
- Enter into a Plan Check and Inspection Agreement and provide a deposit to cover all District costs of processing development application.
- Provide all development related information required for District evaluation of impact of proposed project on existing District water distribution, wastewater collection and wastewater treatment infrastructure.
- Fund District evaluation of impact of proposed project on existing District water distribution, wastewater collection and wastewater treatment infrastructure to identify improvements required to serve the project.
- Develop infrastructure phasing plan for new water distribution system and wastewater collection system improvements, subject to District approval, and construct necessary infrastructure prior to initiation of water and sewer service to the project.
- Submit improvement plans in accordance with the District Standards and Specifications for review and approval. Applicant shall provide plans consistent with current District Standards and based on the proposed lot configuration.
- Any easements required for water and sewer improvements that will be dedicated to the District shall be offered to the District prior to final improvement plan approval.
- Any easements required for private water and sewer laterals shall be recorded prior to final improvement plan approval and shall be subject to District approval.
- All water and sewer improvements to be dedicated to the District shall be bonded for or otherwise secured in the District's name prior to issuance of Will-Serve letter.
- A Will-Serve letter for the Project will be issued after improvement plans are approved and signed by the District.

Intent-To-Serve Letter  
APN 091-411-026

Page 3 of 4

October 22, 2014

- Sewer connection fees for the project will be developed by the District as part of the evaluation of the impact of the project.
- Applicant shall make a non-refundable deposit ("Deposit") at the time the District issues a Will Serve Letter in an amount equal to the then calculated Fees for Connection.
- Fees for Connection shall be calculated and owing as of the date the District sets the water meter(s) to serve the affected property from which the amount of the Deposit shall be deducted.

#### **CONDITIONS TO SETTING WATER METERS**

- Construct the improvements required and submit the following:
  - Reproducible "As Builts" - A mylar copy and digital format disk (AutoCAD) which includes engineer, developer, tract number and water and sewer improvements
  - Offer of Dedication
  - Engineer's Certification
  - Summary of all water and sewer improvement costs
  - Copy of recorded Covenants, Conditions, and Restrictions (CC&R's), acceptable to the District, that include provisions for maintenance of common areas and formation of property owners' association that is responsible for payment of all costs related to common parcel irrigation meters.
- Solid waste collection services are mandatory. Applicant shall provide proof that the Project is provided with solid waste removal services in accordance with District regulations.
- The District will set water meter(s) upon proof of a building permit from the County of San Luis Obispo, the District's acceptance of improvements to be dedicated to the District, if applicable, and the final payment of all charges and fees owed to the District.

#### **AUTOMATIC TERMINATION**

- Intent-to-Serve letters shall automatically terminate on the first to occur:
  - Failure of the Applicant to provide District with written verification that County application for the Project has been deemed complete within two hundred forty (240) calendar days of the date the Intent-to-Serve Letter is issued; or
  - Three (3) years, from date of issuance. However, Applicant shall be entitled to a one-year extension upon the following conditions:
    - Applicant makes written application for the extension prior to the expiration of the Intent-to-Serve Letter.
    - Applicant provides proof of reasonable due diligence in processing the Project.
    - Applicant agrees to revisions of the conditions contained in the Intent-to-Serve letter consistent with then existing District policies.
- This Intent-to-Serve letter shall be subject to the current and future rules, agreements, regulations, fees, resolutions and ordinances of the District.
- This Intent-to-Serve letter may be revoked, or amended, as a result of conditions imposed upon the District by a court or availability of resources, or by a change in ordinance, resolution, rules, fees or regulations adopted by the Board of Directors.
- The District reserves the right to revoke this "Intent-to-Serve letter at any time.
- The Applicant shall provide a signed copy of the Intent-to-Serve letter within thirty (30) days of issuance.

If you have any questions, please call.

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Intent-To-Serve Letter  
APN 091-411-026

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October 22, 2014

Very truly yours,

NIPOMO COMMUNITY SERVICES DISTRICT

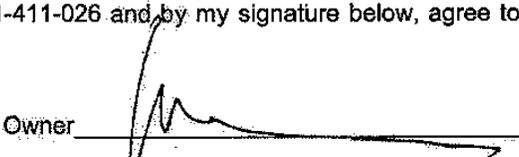


Michael S. LeBrun, P.E.  
General Manager

I, ROBIN L. ROSSI, have read the foregoing Intent-to-Serve Letter for water, sewer and solid waste service for APN 091-411-026 and, by my signature below, agree to the conditions contained herein.

Date: 11/21/2014

Owner



BLACKLAKE GOLF RESORT LLC

Print Name (Owner) ROBIN L. ROSSI, TRUSTEE  
SOLE MEMBER

# NIPOMO COMMUNITY

## BOARD MEMBERS

CRAIG ARMSTRONG, PRESIDENT  
JAMES HARRISON, VICE PRESIDENT  
LARRY VIERHEILIG, DIRECTOR  
DAN GADDIS, DIRECTOR  
BOB BLAIR, DIRECTOR



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# SERVICES DISTRICT

## STAFF

MICHAEL S. LEBRUN, GENERAL MANAGER  
LISA BOGNUA, FINANCE DIRECTOR  
PETER SEVCIK, P.E., DIRECTOR OF ENG. & OPS.  
MICHAEL W. SEITZ, GENERAL COUNSEL

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(805) 929-1133 FAX (805) 929-1932 Website address: ncsd.ca.gov

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October 22, 2014

Blacklake LLC  
c/o Jamie Kirk  
Kirk Consulting  
8830 Morro Road  
Atascadero, CA 93422

**This is not a Will Serve letter**

**SUBJECT: INTENT-TO-SERVE WATER, SEWER AND SOLID WASTE SERVICE  
APN 091-441-026, AUGUSTA DRIVE, NIPOMO  
13 NEW SINGLE FAMILY RESIDENTIAL UNITS**

An Intent-to-Serve letter for District services including water, sewer and solid waste for APN 091-441-026, in Nipomo, an existing 6.57 acre lot that will be subdivided into 13 parcels (the "Project"), is granted with conditions.

**This Intent-to-Serve-letter is limited to the Project as described above.**

**This Intent-to-Serve Letter shall be effective upon Owner's signature below. The Applicant must return a signed copy of the Intent-to-Serve Letter within thirty (30) days of issuance.**

**The following conditions must be satisfied prior to the District issuing a Will Serve Letter:**

### GENERAL CONDITIONS

- Each new parcel shall be served by a single one (1) inch meter and backflow assembly for indoor use and fire sprinkler service, if approved by CAL FIRE of SLO County.
- A separate one (1) irrigation meter shall be provided for any new common lot parcels. Irrigation meter capacity charges are applicable.
- This letter is void if land use is other than residential use as defined by the District.
- Project shall obtain solid waste, sewer and water service for all parcels.
- CAL FIRE of SLO County must approve the development plans prior to District approval. Fire capacity charges are applicable if dedicated fire service laterals are required.
- Record a restriction, subject to District approval, on all parcels prohibiting the use of well(s) to provide domestic water service to any parcel within the Project.

- Record a restriction, subject to District approval, on all parcels prohibiting use of self-regenerating water softeners.
- Comply with District water conservation program.
- Pay all appropriate District fees associated with this development. Water capacity fees will be based on the domestic meter size and irrigation meter size requested for the final County approved project as well as CAL FIRE's fire service requirements. Assuming 13 @ 1 inch domestic water meters, the estimated water capacity fee deposit for the project is \$255,944 based on the current District fee schedule.
- Sewer connection charges for the project will need to be developed based on the impact of the project on the District's Blacklake wastewater collection system and Blacklake Wastewater Treatment and Reclamation Facility as identified by the District's evaluation of the existing sewer infrastructure.
- Applicant shall provide the District with a copy of County application approval and County project conditions of approval.
- Enter into a Plan Check and Inspection Agreement and provide a deposit to cover all District costs of processing development application.
- Provide all development related information required for District evaluation of impact of proposed project on existing District water distribution, wastewater collection and wastewater treatment infrastructure.
- Fund District evaluation of impact of proposed project on existing District water distribution, wastewater collection and wastewater treatment infrastructure to identify improvements required to serve the project.
- Develop infrastructure phasing plan for new water distribution system and wastewater collection system improvements, subject to District approval, and construct necessary infrastructure prior to initiation of water and sewer service to the project.
- Submit improvement plans in accordance with the District Standards and Specifications for review and approval. Applicant shall provide plans consistent with current District Standards and based on the proposed lot configuration.
- Any easements required for water and sewer improvements that will be dedicated to the District shall be offered to the District prior to final improvement plan approval.
- Any easements required for private water and sewer laterals shall be recorded prior to final improvement plan approval and shall be subject to District approval.
- All water and sewer improvements to be dedicated to the District shall be bonded for or otherwise secured in the District's name prior to issuance of Will-Serve letter.
- A Will-Serve letter for the Project will be issued after improvement plans are approved and signed by the District.
- Sewer connection fees for the project will be developed by the District as part of the evaluation of the impact of the project.
- Applicant shall make a non-refundable deposit ("Deposit") at the time the District issues a Will Serve Letter in an amount equal to the then calculated Fees for Connection.
- Fees for Connection shall be calculated and owing as of the date the District sets the water meter(s) to serve the affected property from which the amount of the Deposit shall be deducted.

#### **CONDITIONS TO SETTING WATER METERS**

- Construct the improvements required and submit the following:
  - Reproducible "As Built" - A mylar copy and digital format disk (AutoCAD) which includes engineer, developer, tract number and water and sewer improvements
  - Offer of Dedication

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Intent-To-Serve Letter  
APN 091-441-026

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October 22, 2014

- Engineer's Certification
- Summary of all water and sewer improvement costs
- Copy of recorded Covenants, Conditions, and Restrictions (CC&R's), acceptable to the District, that include provisions for maintenance of common areas and formation of property owners' association that is responsible for payment of all costs related to common parcel irrigation meters.
- Solid waste collection services are mandatory. Applicant shall provide proof that the Project is provided with solid waste removal services in accordance with District regulations.
- The District will set water meter(s) upon proof of a building permit from the County of San Luis Obispo, the District's acceptance of improvements to be dedicated to the District, if applicable, and the final payment of all charges and fees owed to the District.

#### **AUTOMATIC TERMINATION**

- Intent-to-Serve letters shall automatically terminate on the first to occur:
  - Failure of the Applicant to provide District with written verification that County application for the Project has been deemed complete within two hundred forty (240) calendar days of the date the Intent-to-Serve Letter is issued; or
  - Three (3) years, from date of issuance. However, Applicant shall be entitled to a one-year extension upon the following conditions:
    - Applicant makes written application for the extension prior to the expiration of the Intent-to-Serve Letter.
    - Applicant provides proof of reasonable due diligence in processing the Project.
    - Applicant agrees to revisions of the conditions contained in the Intent-to-Serve letter consistent with then existing District policies.
- This Intent-to-Serve letter shall be subject to the current and future rules, agreements, regulations, fees, resolutions and ordinances of the District.
- This Intent-to-Serve letter may be revoked, or amended, as a result of conditions imposed upon the District by a court or availability of resources, or by a change in ordinance, resolution, rules, fees or regulations adopted by the Board of Directors.
- The District reserves the right to revoke this "Intent-to-Serve letter at any time.
- The Applicant shall provide a signed copy of the Intent-to-Serve letter within thirty (30) days of issuance.

If you have any questions, please call.

Very truly yours,

NIPOMO COMMUNITY SERVICES DISTRICT



Michael S. LeBrun, P.E.  
General Manager

Intent-To-Serve Letter  
APN 091-441-026

Page 4 of 4

October 22, 2014

I, ROBIN L. ROSSI, have read the foregoing Intent-to-Serve Letter for water, sewer and solid waste service for APN 091-441-026 and by my signature below, agree to the conditions contained herein.

Date: 11/21/2014

Owner



BLACKLAKE GOLF RESORT LLC

Print Name (Owner) ROBIN L. ROSSI, TRUSTEE  
SOLE MEMBER

## NIPOMO COMMUNITY

### BOARD MEMBERS

CRAIG ARMSTRONG, PRESIDENT  
JAMES HARRISON, VICE PRESIDENT  
LARRY VIERHEILIG, DIRECTOR  
DAN GADDIS, DIRECTOR  
BOB BLAIR, DIRECTOR



## SERVICES DISTRICT

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MICHAEL W. SEITZ, GENERAL COUNSEL

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October 22, 2014

Blacklake LLC  
c/o Jamie Kirk  
Kirk Consulting  
8830 Morro Road  
Atascadero, CA 93422

**This is not a Will Serve letter**

**SUBJECT: INTENT-TO-SERVE WATER, SEWER AND SOLID WASTE SERVICE  
APN 091-411-006, GOLF COURSE LANE, NIPOMO  
119 NEW HOTEL SUITES**

An Intent-to-Serve letter for District services including water, sewer and solid waste for APN 091-411-006, in Nipomo, an existing 4.48 acre lot what will be developed and subdivided into two parcels (the "Project"), is granted with conditions.

**This Intent-to Serve-letter is limited to the Project as described above.**

**This Intent-to-Serve Letter shall be effective upon Owner's signature below. The Applicant must return a signed copy of the Intent-to-Serve Letter within thirty (30) days of issuance.**

**The following conditions must be satisfied prior to the District issuing a Will Serve Letter:**

### GENERAL CONDITIONS

- Each parcel shall be served by a single appropriately sized meter and backflow assembly for indoor use. Domestic meter capacity charges will be applicable.
- A separate one (1) inch irrigation meter shall be provided for each parcel. Irrigation meter capacity charges will be applicable.
- A single separate appropriately sized fire service and backflow assembly as required by CAL FIRE of SLO County shall be provided for each parcel. CAL FIRE of SLO County must approve the development plans prior to District approval. Fire service capacity charges will be applicable.
- This letter is void if land use is other than commercial use as defined by the District.
- Project shall obtain solid waste, sewer and water service for all parcels.
- CAL FIRE of SLO County must approve the development plans prior to District approval. Fire capacity charges are applicable if dedicated fire service laterals are required.

- Record a restriction, subject to District approval, on all parcels prohibiting the use of well(s) to provide domestic water service to any parcel within the Project.
- Record a restriction, subject to District approval, on all parcels prohibiting use of self-regenerating water softeners.
- Comply with District water conservation program.
- Pay all appropriate District fees associated with this development. Water capacity fees will be based on the domestic meter size and irrigation meter size requested for the final County approved project as well as CAL FIRE's fire service requirements. Assuming 1 @ 3 inch domestic water meter upgraded from an existing 2 inch water meter and 2 @ 6 inch fire services, the estimated water capacity fee deposit for the project is \$227,014 based on the current District fee schedule.
- Sewer connection charges for the project will need to be developed based on the impact of the project on the District's Blacklake wastewater collection system and Blacklake Wastewater Treatment and Reclamation Facility as identified by the District's evaluation of the existing sewer infrastructure.
- Applicant shall provide the District with a copy of County application approval and County project conditions of approval.
- Enter into a Plan Check and Inspection Agreement and provide a deposit to cover all District costs of processing development application.
- Provide all development related information required for District evaluation of impact of proposed project on existing District water distribution, wastewater collection and wastewater treatment infrastructure.
- Fund District evaluation of impact of proposed project on existing District water distribution, wastewater collection and wastewater treatment infrastructure to identify improvements required to serve the project.
- Develop infrastructure phasing plan for new water distribution system and wastewater collection system improvements, subject to District approval, and construct necessary infrastructure prior to initiation of water and sewer service to the project.
- Submit improvement plans in accordance with the District Standards and Specifications for review and approval. Applicant shall provide plans consistent with current District Standards and based on the proposed lot configuration.
- Any easements required for water and sewer improvements that will be dedicated to the District shall be offered to the District prior to final improvement plan approval.
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- Fees for Connection shall be calculated and owing as of the date the District sets the water meter(s) to serve the affected property from which the amount of the Deposit shall be deducted.

#### **CONDITIONS TO SETTING WATER METERS**

- Construct the improvements required and submit the following:

T:\LAND DEVELOPMENT\SERVICE LETTERS\Intent-to-Serve\APN\APN 091-411-006 Blacklake Development (Hotel).docx

Intent-To-Serve Letter  
APN 091-411-006

Page 3 of 4

October 22, 2014

- Reproducible "As Builts" - A mylar copy and digital format disk (AutoCAD) which includes engineer, developer, tract number and water and sewer improvements
- Offer of Dedication
- Engineer's Certification
- Summary of all water and sewer improvement costs
- Copy of recorded Covenants, Conditions, and Restrictions (CC&R's), acceptable to the District, that include provisions for maintenance of common areas and formation of property owners' association that is responsible for payment of all costs related to common parcel irrigation meters.
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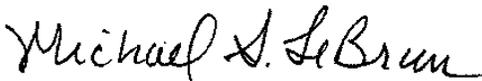
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  - Three (3) years, from date of issuance. However, Applicant shall be entitled to a one-year extension upon the following conditions:
    - Applicant makes written application for the extension prior to the expiration of the Intent-to-Serve Letter.
    - Applicant provides proof of reasonable due diligence in processing the Project.
    - Applicant agrees to revisions of the conditions contained in the Intent-to-Serve letter consistent with then existing District policies.
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- The District reserves the right to revoke this "Intent-to-Serve letter at any time.
- The Applicant shall provide a signed copy of the Intent-to-Serve letter within thirty (30) days of issuance.

If you have any questions, please call.

Very truly yours,

NIPOMO COMMUNITY SERVICES DISTRICT



Michael S. LeBrun, P.E.  
General Manager

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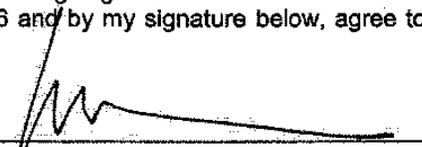
Intent-To-Serve Letter  
APN 091-411-006

Page 4 of 4

October 22, 2014

I, ROB ROSSI, have read the foregoing Intent-to-Serve Letter for water, sewer and solid waste service for APN 091-411-006 and by my signature below, agree to the conditions contained herein.

Date: 11/21/2014

Owner: 

BLACKLAKE GOLF RESORT LLC

Print Name (Owner) ROBIN L. ROSSI, TRUSTEE  
SOLE MEMBER

## NIPOMO COMMUNITY

### BOARD MEMBERS

CRAIG ARMSTRONG, PRESIDENT  
JAMES HARRISON, VICE PRESIDENT  
LARRY VIERHEILIG, DIRECTOR  
DAN GADDIS, DIRECTOR  
BOB BLAIR, DIRECTOR



## SERVICES DISTRICT

### STAFF

MICHAEL S. LEBRUN, GENERAL MANAGER  
LISA BOGNUDA, FINANCE DIRECTOR  
PETER SEVCIK, P.E., DIRECTOR OF ENG. & OPS.  
MICHAEL W. SEITZ, GENERAL COUNSEL

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---

148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326  
(805) 929-1133 FAX (805) 929-1932 Website address: ncsd.ca.gov

---

October 22, 2014

Blacklake LLC  
c/o Jamie Kirk  
Kirk Consulting  
8830 Morro Road  
Atascadero, CA 93422

**This is not a Will Serve letter**

**SUBJECT: INTENT-TO-SERVE WATER, SEWER AND SOLID WASTE SERVICE  
APN 091-442-028, LINKS DRIVE, NIPOMO  
6 NEW SINGLE FAMILY RESIDENTIAL UNITS**

An Intent-to-Serve letter for District services including water, sewer and solid waste for APN 091-442-028, in Nipomo, an existing 1.52 acre lot that will be subdivided into 6 parcels (the "Project"), is granted with conditions.

**This Intent-to-Serve-letter is limited to the Project as described above.**

**This Intent-to-Serve Letter shall be effective upon Owner's signature below. The Applicant must return a signed copy of the Intent-to-Serve Letter within thirty (30) days of issuance.**

**The following conditions must be satisfied prior to the District issuing a Will Serve Letter:**

### **GENERAL CONDITIONS**

- Each new parcel shall be served by a single one (1) inch meter and backflow assembly for indoor use and fire sprinkler service, if approved by CAL FIRE of SLO County.
- A separate one (1) irrigation meter shall be provided for any new common lot parcels. Irrigation meter capacity charges are applicable.
- This letter is void if land use is other than residential use as defined by the District.
- Project shall obtain solid waste, sewer and water service for all parcels.
- CAL FIRE of SLO County must approve the development plans prior to District approval. Fire capacity charges are applicable if dedicated fire service laterals are required.
- Record a restriction, subject to District approval, on all parcels prohibiting the use of well(s) to provide domestic water service to any parcel within the Project.

Intent-To-Serve Letter  
APN 091-442-028

Page 2 of 4

October 22, 2014

- Record a restriction, subject to District approval, on all parcels prohibiting use of self-regenerating water softeners.
- Comply with District water conservation program.
- Pay all appropriate District fees associated with this development. Water capacity fees will be based on the domestic meter size and irrigation meter size requested for the final County approved project as well as CAL FIRE's fire service requirements. Assuming 6 @ 1 inch domestic water meters, the estimated water capacity fee deposit for the project is \$118,128 based on the current District fee schedule.
- Sewer connection charges for the project will need to be developed based on the impact of the project on the District's Blacklake wastewater collection system and Blacklake Wastewater Treatment and Reclamation Facility as identified by the District's evaluation of the existing sewer infrastructure.
- Applicant shall provide the District with a copy of County application approval and County project conditions of approval.
- Enter into a Plan Check and Inspection Agreement and provide a deposit to cover all District costs of processing development application.
- Provide all development related information required for District evaluation of impact of proposed project on existing District water distribution, wastewater collection and wastewater treatment infrastructure.
- Fund District evaluation of impact of proposed project on existing District water distribution, wastewater collection and wastewater treatment infrastructure to identify improvements required to serve the project.
- Develop infrastructure phasing plan for new water distribution system and wastewater collection system improvements, subject to District approval, and construct necessary infrastructure prior to initiation of water and sewer service to the project.
- Submit improvement plans in accordance with the District Standards and Specifications for review and approval. Applicant shall provide plans consistent with current District Standards and based on the proposed lot configuration.
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- Fees for Connection shall be calculated and owing as of the date the District sets the water meter(s) to serve the affected property from which the amount of the Deposit shall be deducted.

#### **CONDITIONS TO SETTING WATER METERS**

- Construct the improvements required and submit the following:
  - Reproducible "As Builts" - A mylar copy and digital format disk (AutoCAD) which includes engineer, developer, tract number and water and sewer improvements
  - Offer of Dedication

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Intent-To-Serve Letter  
APN 091-442-028

Page 3 of 4

October 22, 2014

- Engineer's Certification
- Summary of all water and sewer improvement costs
- Copy of recorded Covenants, Conditions, and Restrictions (CC&R's), acceptable to the District, that include provisions for maintenance of common areas and formation of property owners' association that is responsible for payment of all costs related to common parcel irrigation meters.
- Solid waste collection services are mandatory. Applicant shall provide proof that the Project is provided with solid waste removal services in accordance with District regulations.
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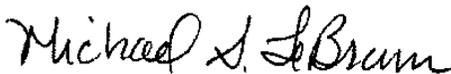
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- The Applicant shall provide a signed copy of the Intent-to-Serve letter within thirty (30) days of issuance.

If you have any questions, please call.

Very truly yours,

NIPOMO COMMUNITY SERVICES DISTRICT



Michael S. LeBrun, P.E.  
General Manager

Intent-To-Serve Letter  
APN 091-442-028

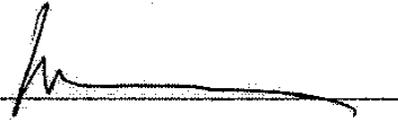
Page 4 of 4

October 22, 2014

I, ROBIN L. ROSSI, have read the foregoing Intent-to-Serve Letter for water, sewer and solid waste service for APN 091-442-028 and by my signature below, agree to the conditions contained herein.

Date: 11/21/2014

Owner



BLACKLAKE GOLF RESORT LLC

Print Name (Owner) ROBIN L. ROSSI, TRUSTEE  
SOLE MEMBER

# NIPOMO COMMUNITY

## BOARD MEMBERS

CRAIG ARMSTRONG, PRESIDENT  
JAMES HARRISON, VICE PRESIDENT  
LARRY VIERHEILIG, DIRECTOR  
DAN GADDIS, DIRECTOR  
BOB BLAIR, DIRECTOR



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# SERVICES DISTRICT

## STAFF

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148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326  
(805) 929-1133 FAX (805) 929-1932 Website address: ncsd.ca.gov

---

October 22, 2014

Blacklake LLC  
c/o Jamie Kirk  
Kirk Consulting  
8830 Morro Road  
Atascadero, CA 93422

**This is not a Will Serve letter**

**SUBJECT: INTENT-TO-SERVE WATER, SEWER AND SOLID WASTE SERVICE  
APN 091-411-019, BLACK LAKE CANYON DRIVE, NIPOMO  
7 NEW SINGLE FAMILY RESIDENTIAL UNITS**

An Intent-to-Serve letter for District services including water, sewer and solid waste for APN 091-411-019, in Nipomo, an existing 29.98 acre parcel that will be subdivided into 7 parcels (the "Project"), is granted with conditions.

**This Intent-to-Serve-letter is limited to the Project as described above.**

**This Intent-to-Serve Letter shall be effective upon Owner's signature below. The Applicant must return a signed copy of the Intent-to-Serve Letter within thirty (30) days of issuance.**

**The following conditions must be satisfied prior to the District issuing a Will Serve Letter:**

### GENERAL CONDITIONS

- Each new parcel shall be served by a single one (1) inch meter and backflow assembly for indoor use and fire sprinkler service, if approved by CAL FIRE of SLO County.
- A separate one (1) irrigation meter shall be provided for any new common lot parcels. Irrigation meter capacity charges are applicable.
- This letter is void if land use is other than residential use as defined by the District.
- Project shall obtain solid waste, sewer and water service for all parcels.
- CAL FIRE of SLO County must approve the development plans prior to District approval. Fire capacity charges are applicable if dedicated fire service laterals are required.
- Record a restriction, subject to District approval, on all parcels prohibiting the use of well(s) to provide domestic water service to any parcel within the Project.

- Record a restriction, subject to District approval, on all parcels prohibiting use of self-regenerating water softeners.
- Comply with District water conservation program.
- Pay all appropriate District fees associated with this development. Water capacity fees will be based on the domestic meter size and irrigation meter size requested for the final County approved project as well as CAL FIRE's fire service requirements. Assuming 7 @ 1 inch domestic water meters, the estimated water capacity fee deposit for the project is \$137,816 based on the current District fee schedule.
- Sewer connection charges for the project will need to be developed based on the impact of the project on the District's Blacklake wastewater collection system and Blacklake Wastewater Treatment and Reclamation Facility as identified by the District's evaluation of the existing sewer infrastructure.
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  - Offer of Dedication

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Intent-To-Serve Letter  
APN 091-411-019

Page 3 of 4

October 22, 2014

- Engineer's Certification
- Summary of all water and sewer improvement costs
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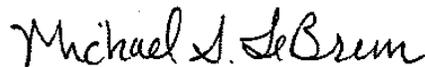
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If you have any questions, please call.

Very truly yours,

NIPOMO COMMUNITY SERVICES DISTRICT



Michael S. LeBrun, P.E.  
General Manager

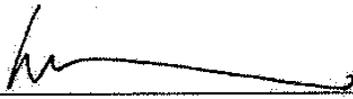
Intent-To-Serve Letter  
APN 091-411-019

Page 4 of 4

October 22, 2014

I, ROBIN L. ROSSI, have read the foregoing Intent-to-Serve Letter for water, sewer and solid waste service for APN 091-411-019 and by my signature below, agree to the conditions contained herein.

Date: 11/21/2014

Owner 

BLACK LAKE GOLF RESORT LLC  
Print Name (Owner) ROBIN L. ROSSI, TRUSTEE  
SOLE MEMBER



**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

## Attachment E

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			<b>23,400 – 29,744</b>

*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 ½ 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,



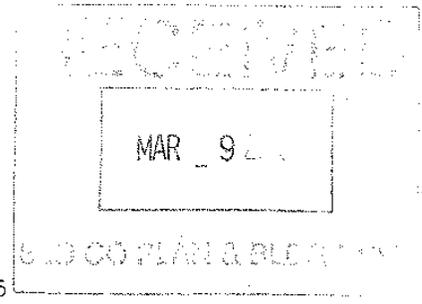
Dorothy De Santis  
Fairways @ Black Lake Village (resident since 1994 )



Attachment E

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

Attachment E



**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]  
> [REDACTED]  
>  
>  
>  
>  
>  
>  
>  
> [attachment "Compendium.docx" deleted by Stephanie Fuhs/Planning/COSLO]  
>  
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>  
>  
>  
>  
>  
>  
> [Scanned @co.slo.ca.us]  
>

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.

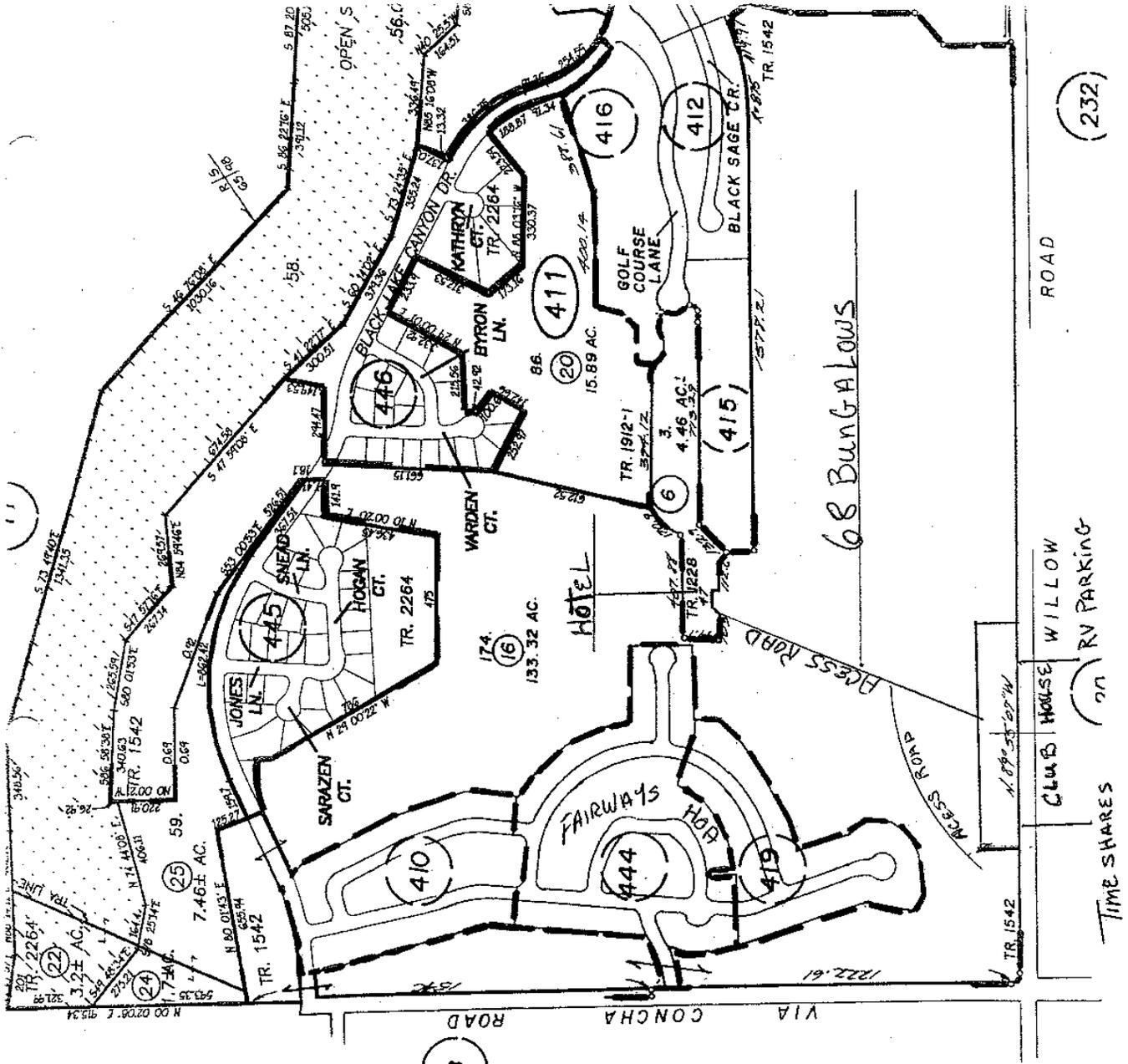
Sincerely,

The Fairways Homeowners Board of Directors

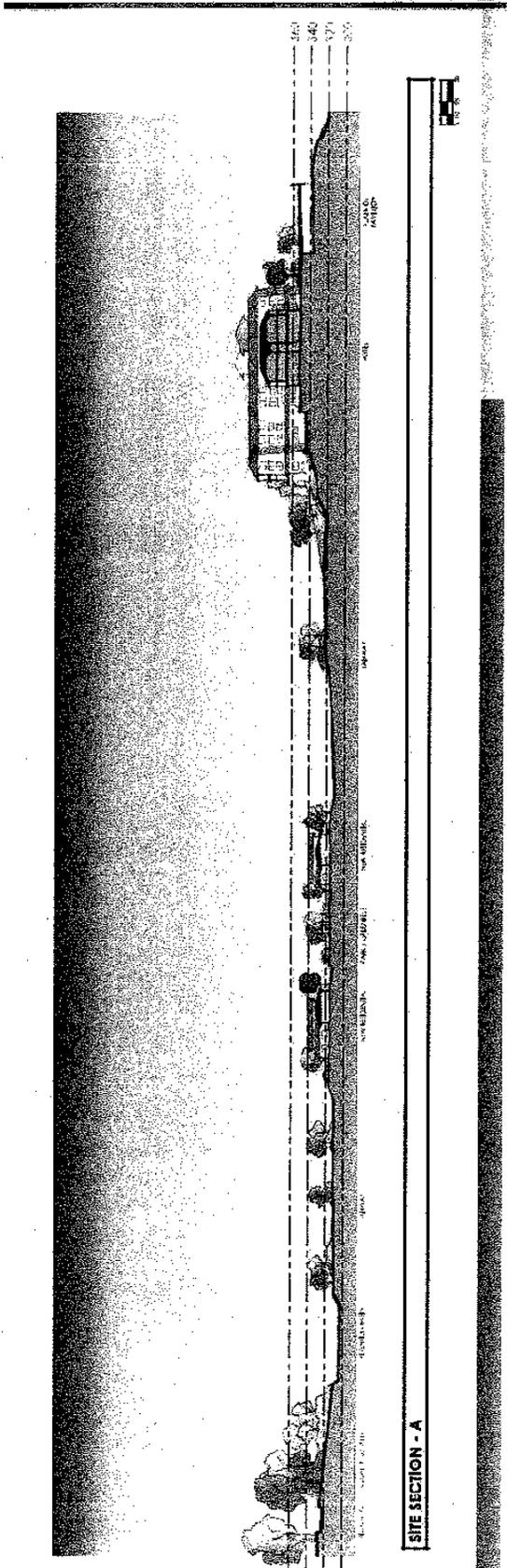
*Billie King - President*  
*Nancy E Fleming Secretary*  
*Rob Rossi, MEMBER AT LARGE*  
*Joe ... Vice President FAIRWAYS*  
*Thomson H. ... Treasurer*



Attachment E



FAIRWAYS  
FILE COPY



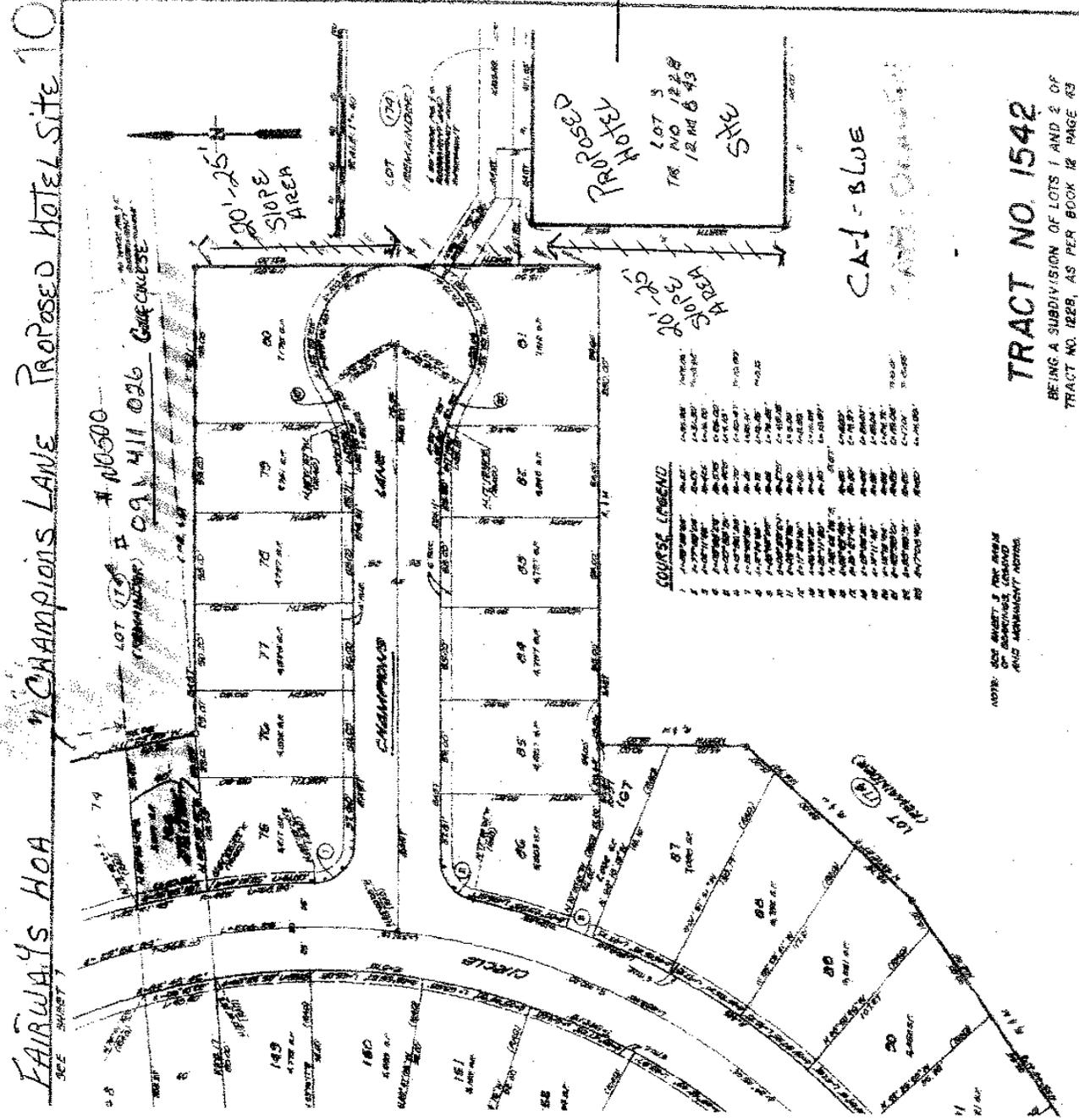
Attachment E

CURRENTLY CLUB HOUSE & CART BARN

Proposed HOTEL  
TR. NO. 1228  
SHE

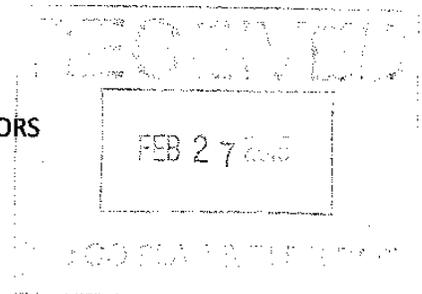
CA-1-BLUE

TRACT NO. 1542  
BEING A SUBDIVISION OF LOTS 1 AND 2 OF  
TRACT NO. 1228, AS PER BOOK 12 PAGE 43



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:

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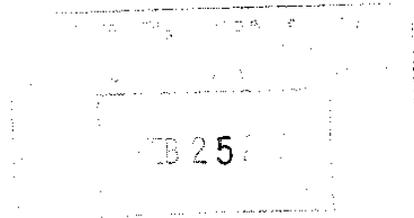
Thank You Ms. Fuhs for your consideration of our concerns.

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,



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.

Attachment E

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'."

Attachment E

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](mailto:sfuhs@co.slo.ca.us)  
website: [sloplanning.org](http://sloplanning.org)

From: Art Herbon [REDACTED]  
To: Stephanie Fuhs <[SFUHS@CO.SLO.CA.US](mailto: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](mailto: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]

Attachment E

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,

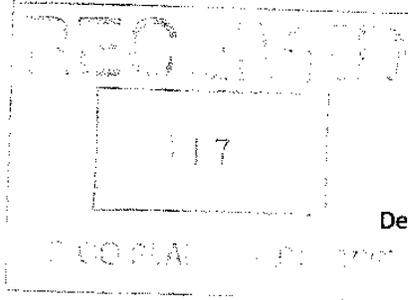


Rob Rossi

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

Attachment E



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.

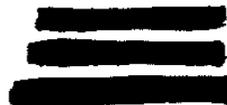
Sincerely,



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



**Fw: Agenda Item 186/2015 - Blacklake Authorization**

**Stephanie Fuhs** to: Annette Ramirez

03/23/2015 08:12 AM

Hi Annette,  
I received this correspondence this morning. Should I be making 12 copies and bringing it to the meeting tomorrow? Not sure of the protocol. Thanks!

Stephanie Fuhs  
Planner  
County of San Luis Obispo  
805.781.5721 (office)  
805.781.1242 (fax)  
email: [sfuhs@co.slo.ca.us](mailto:sfuhs@co.slo.ca.us)  
website: [sloplanning.org](http://sloplanning.org)

----- Forwarded by Stephanie Fuhs/Planning/COSLO on 03/23/2015 08:11 AM -----

From: Noel Heal <[noelheal@gmail.com](mailto:noelheal@gmail.com)>  
To: [sfuhs@co.slo.ca.us](mailto:sfuhs@co.slo.ca.us)  
Cc: "Dan and Nancy Hall (Dan and Nancy Hall)" <[sailsho@charter.net](mailto:sailsho@charter.net)>, Carters <[carterstwo@earthlink.net](mailto:carterstwo@earthlink.net)>, Bill Morrow <[morrowwg8@aol.com](mailto:morrowwg8@aol.com)>, Bob McGill <[bob.mcgill2@verizon.net](mailto:bob.mcgill2@verizon.net)>, Brad Miller <[bdmca@sbcglobal.net](mailto:bdmca@sbcglobal.net)>  
Date: 03/20/2015 05:48 PM  
Subject: Agenda item 186/2015 - Blacklake Authorization

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Dear Ms.. Fuhs,

Attached is a letter for possible inclusion in the correspondence folder of this matter. I apologize for my lateness in submitting this. I hope there is some way to insert it in the file electronically, even if not all concerned will have time to read it. I will try to summarize the letter orally if I get an opportunity to speak at the authorization hearing.

Thank you. -- Noel

Noel Heal,  
Legends at Blacklake resident



186-2015 letter from NHeal.pdf

Agenda Item No: 23 • Meeting Date: March 24, 2015  
Presented By: Noel Heal  
Rec'd prior to the meeting & posted on: March 23, 2015

Page 1 of 3

**Noel F. Heal**

**Nipomo, CA 93444**

March 20, 2015

Ms. Stephanie Fuhs, Planner  
County of San Luis Obispo  
976 Osos St., Room 300  
San Luis Obispo, CA 93408

**Re: Agenda 186/2015 – Blacklake Authorization**

My name is Noel Heal and I have been a homeowner in the Legends development of the Black Lake community since 1999. I have just three brief points to make because others have already made comments that I agree with, and they have done so with eloquence that I could not match.

First, most of those homeowners you have heard from reside in the Fairways and Crown Pointe areas of Black Lake. That's not surprising because the Rossi proposals we have seen so far would affect them the most. My wife and I live in the Legends but we, also, paid a premium for a lot that backs onto golf course property, so we will definitely be affected, and perhaps in jeopardy, if any proposal goes forward. In addition, there are two proposed pods of new residences just north of Black Lake Canyon Drive that are only a few hundred feet from our house – not in the best view line but definitely visible, and not in a good way. I think it's unfair to characterize the more directly affected residents as a "vocal minority." The silence of others should not be taken as approval. People choose not to speak up for a variety of reasons.

Second, while others have rightfully focused on the tragic loss of their views and their privacy, and on the potential loss of property values ensuing from the proposed housing project, I want to focus only on what seems to be the clearest issue of all – our Black Lake CC&Rs. The Board of Supervisors, can amend the Black Lake Specific Plan to say almost anything. In fact, it only takes three supervisors to do that, and from what I have read on the subject there probably isn't a judge in California who would overturn their action. We in Black Lake, on the other hand, do not have the luxury of being able to rewrite our governing laws so easily because the County, or more precisely, a predecessor panel of this Board of Supervisors, mandated in the Black Lake Specific Plan that Black Lake homeowners' associations must be established, with governing documents (the CC&Rs) that had to be submitted for County approval. The CC&Rs effectively contain the same limitations of population density and an Open-Space golf course that are significant features of the Specific Plan. Basically, then, it was the County that was largely responsible for creating the look and feel of Black Lake that we still enjoy today, through the South County General Plan, the Black Lake Specific Plan, and the mandated Black Lake CC&Rs. Now the County is being asked to amend the Specific Plan in a very fundamental way that will change Black Lake forever, by

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Page 2 of 3

Ms. Stephanie Fuhs, Planner  
County of San Luis Obispo

Page 2

increasing the population density dramatically and permitting the construction of residences on what was designated in the Specific Plan as Open Space. Such an amendment would be contrary to our CC&Rs, the ones that the County itself mandated and approved. If the Board of Supervisors were to allow Mr. Rossi to go forward with his application, the County would be facilitating or directly collaborating in Mr. Rossi's willful violation of the CC&Rs by building residences on the golf course. Incidentally, the amendment that the Board is being asked to approve is by no means a trivial one. The County would be not so much amending the Specific Plan as gutting it, because it is replete with language singing the praises of the Open Space qualities of the golf course.

Finally, I note from the agenda correspondence that Mr. Rossi says he was unaware of the requirement for an Open Space Easement on the golf course. The gist of his current position seems to be that 30 years of open space is as much as we should have expected, and certainly as much as we deserve. Fortunately, the CC&Rs run with the land and contain no such time limitation; they are effective in perpetuity unless amended by a super-majority of the homeowners. Copies of the Black Lake Specific Plan and the Black Lake CC&Rs were presumably supplied to Mr. Rossi, just as they were supplied to me and to hundreds of other homeowners who purchased property in the community. We have relied, to our possible detriment, on what these documents say but Mr. Rossi wants to change what they say. He is now on record as saying that he plans to go ahead with the project with or without resolution of any CC&R conflict. This does not bode well for the future of Black Lake.

Therefore, I respectfully urge the Board to reject the application now before it, as well as any amended application, because accepting any application that proposes the construction of residences on the golf course would ultimately result in a serious violation of the Black Lake CC&Rs. If the Board decides not to reject the application, my hope is that the Black Lake Management Association (BLMA) will take immediate legal action to enforce our CC&Rs or, if they do not, that other homeowners will. Without enforceable CC&Rs, our community would be left to the whims and caprices of our fellow property owners, including the golf course owner.

Thank you for your time and consideration.

Noel Heal

***Transmitted by email***