



Promoting the wise use of land

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

SUBDIVISION REVIEW BOARD

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| MEETING DATE June 6, 2016 | CONTACT/PHONE Stephanie Fuhs (805)781-5721 sfuhs@co.slo.ca.us | APPLICANT Carlos Castaneda | FILE NO. CO 15-0065 SUB2015-00009 |
| SUBJECT Hearing to consider a request by CARLOS CASTANEDA for a Vesting Tentative Parcel Map (CO 15-065) to subdivide two existing parcels totaling approximately 21 acres into four parcels of approximately 5.20 acres each for the purpose of sale and/or development. The project includes road improvements to Pomeroy Road and Rocky Place fronting the property. The project will result in site disturbance of approximately 10,000 square feet (for road improvements). The proposed project is within the Residential Rural land use category. The project is located at 1650 Rocky Place, at the north east corner of Rocky Place and Pomeroy Road, approximately three miles northwest of the community of Nipomo. The site is in the South County Sub-area of the South County planning area. | | | |
| RECOMMENDED ACTION 1. Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Vesting Tentative Parcel Map CO 15-0065 based on the findings listed in Exhibit A and the conditions listed in Exhibit B. | | | |
| ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on April 28, 2016 for this project. Mitigation measures are proposed to address Aesthetics, Air Quality, Biological Resources, Public Services and Utilities, Recreation, Transportation and Water and are included as conditions of approval. | | | |
| LAND USE CATEGORY Residential Rural | COMBINING DESIGNATION None | ASSESSOR PARCEL NUMBER 091-073-021 & -022 | SUPERVISOR DISTRICT(S) 4 |
| PLANNING AREA STANDARDS: Section 22.98.070(B) – Edge of the Nipomo Mesa, Section 22.98.070(F) - Nipomo Mesa Water Conservation Area, Section 22.98.072(H) – Residential Rural Standards for the South County Section 22.98.072(H)(9) – Residential Rural Standards for the Summit Station area | | | |
| LAND USE ORDINANCE STANDARDS: 22.22.060 – Subdivision Design Standards for the Residential Rural land use category | | | |
| EXISTING USES: Single family residences, accessory structures | | | |
| SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Rural/Single family residences <i>East:</i> Residential Rural/Single family residences <i>South:</i> Residential Rural/Single family residences <i>West:</i> Residential Rural/Single family residences | | | |
| ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ Fax: (805) 781-1242 | | | |

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| OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: South County Advisory Council, Public Works, Environmental Health, County Parks, CalFire, Nipomo Community Services District, APCD, Lucia Mar School District, Bicycle Advisory Committee | |
| TOPOGRAPHY: Nearly level to gently sloping | VEGETATION: Grasses, shrubs, oaks, eucalyptus |
| PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Individual septic system Fire Protection: CalFire | ACCEPTANCE DATE: December 9, 2015 |

PROJECT HISTORY

The proposed project is to subdivide two existing legal parcels totaling approximately 21 acres into four parcels of approximately five acres each.

The site is the subject of a code enforcement case for residential density and unpermitted structures. Assessor's Parcel Number 091-073-021 currently contains three residences. On a ten acre parcel, only one primary and one secondary dwelling are allowed along with accessory structures allowed in the Residential Rural land use category. Following recordation of the final map, proposed parcel 3 will contain a primary and a secondary unit, proposed parcel 4 will have one primary dwelling. Proposed parcels 1 and 2 are undeveloped. This subdivision, once recorded, along with issuance of building permits for unpermitted structures, will bring the existing development into conformance with the Land Use Ordinance and will address the code enforcement issues.

STAFF COMMENTS

The project is located within the Nipomo Mesa Water Conservation Area (NMWCA) and is within the service boundary for the Nipomo Community Services District (NCSD). While the NCSD has issued an intent to serve letter for this project, the district has declared a moratorium and has not been issuing final will serve letters in order to clear final maps to record. There is no indication when the moratorium will be lifted.

If the Subdivision Review Board approves this map, the NCSD may not issue a final will serve letter for this map to record. This could impact resolution of the code enforcement case discussed above and could hold up recordation of this map.

Approval of this map is valid for two years with up to six one-year extensions possible. On approved maps that cannot record without a valid will serve letter, the County has been granting stays per the State Subdivision Map Act. These stays are granted up to a maximum of five years. If the moratorium is lifted before the five year period, the stay would be less than five years. It is the applicant's responsibility to keep track of these time limits in order to keep the map from expiring.

ORDINANCE COMPLIANCE

Minimum Parcel Size

Section 22.22.060 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Residential Rural land use category. The standards are based on the distance from an urban areas, fire response time, type of access serving the property and the

topography of the site. Minimum parcel size is based on the largest parcel size as calculated by tests. The proposed parcels meet all requirements for five acre parcels as follows:

| TEST | STANDARD | MINIMUM PARCEL SIZE |
|-------------------------------|--|---------------------|
| Remoteness | 0-5 miles from the Nipomo urban reserve line | 5 acres |
| Fire Hazard/ Response Time | Within the 15 minute response time In the high fire hazard area | 5 acres |
| Access | Located on a 40-foot right-of-way | 5 acres |
| Slope | Average slope is between 0 and 15% | 5 acres |

Quimby Fees

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing, park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

Inclusionary Housing Fees

Title 29, the Affordable Housing Fund, establishes an in-lieu fee to create a fund that would help to meet, in part, the housing needs of the County's very low, low, moderate income and workforce households. Section 22.12.080 of Title 22, the Land Use Ordinance, describes the options the applicant may choose to satisfy the requirement.

Design Standards

The proposed parcels are consistent with the design criteria set forth in Chapter 3 of the Title 21 of the Real Property Division Ordinance.

Road Improvements

This application was reviewed in detail by both Public Works and Planning and Building relative to access and circulation requirements for the area. This is in response to the potential for further divisions and development in the site vicinity. As a result of this review, both an offer of dedication and road improvements are recommended as a means of providing appropriate access and circulation for this area.

PLANNING AREA STANDARDS

Section 22.98.070(B) – Edge of the Nipomo Mesa - These standards apply to properties where there is a change of topography (where the slope exceeds 15 percent slope). Because this site does not contain these specific characteristics, these standards do not apply.

Section 22.98.070(F) - Nipomo Mesa Water Conservation Area – These standards apply to land divisions where the resulting non-agricultural water demand exceeds the existing non-agricultural water demand and requires payment of a supplemental water fee at the time of building permit issuance.

Because there is no agricultural use on the property, all new water demand will be non-agricultural. No supplemental water fee has been adopted; however, water ordinance amendments were approved by the Board of Supervisors in October 2015 that require 1:1 offsetting of new water use for properties within the Nipomo Mesa Water Conservation Area by either paying into a retrofitting/cash for grass fund or completing the retrofits by a licensed plumber.

Section 22.98.072(H) – Residential Rural Standards for the South County – Applicable standards include an 80-foot front setback, retention of existing vegetation as much as feasible, and siting buildings to preserve rural character. Future building permits will need to comply with these standards.

Section 22.98.072(H)(9) – Residential Rural Standards for the Summit Station area – Applicable standards include submittal of a cultural resource assessment and biological report with any land use/land division application, retention of all drainage on-site, compliance with fire safety and air quality measures, submittal of a water conservation plan with construction permit applications and submittal of a valid intent to serve letter from the Nipomo Community Services District at the time of construction permit submittal and a valid will serve letter prior to final inspection or occupancy of such permits. As proposed and conditioned, the project meets these standards.

COMMUNITY ADVISORY GROUP COMMENTS

The South County Advisory Council supported this project on their consent agenda from their September 28, 2015 meeting.

AGENCY REVIEW

Public Works- Recommends conditions for road improvements, drainage, CC&Rs and stormwater management

Environmental Health – Provide stock conditions for community water and septic and condition for soil testing prior to recordation of the final map

County Parks – Require a 10-foot offer of dedication for a trail easement along Pomeroy Road and quimby fees

CalFire – No significant fire and life safety concerns

Nipomo Community Services District – Provided an intent to serve letter

APCD – Inconsistent with the Clean Air Plan, provide conditions regarding naturally occurring asbestos, demolition activities, developmental burning, dust control, construction phase emissions, wood burning devices

LEGAL LOT STATUS:

The two lots were legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Stephanie Fuhs
and reviewed by Terry Wahler, Senior Planner