



**SAN LUIS OBISPO COUNTY**

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**DEPARTMENT OF PLANNING AND BUILDING**

VICTOR HOLANDA, AICP  
DIRECTOR

September 13, 2007

AAC  
Attn: John Mack  
1141 Highland Way  
Grover Beach, CA 93433

**NOTICE OF FINAL COUNTY ACTION**

HEARING DATE: September 10, 2007

SUBJECT: **SAL AND HELEN ORTIZ**  
County File Number: SUB2005-00266 / CO 06-0095  
Document Number: **2007-035**

LOCATED WITHIN COASTAL ZONE: NO

The above-referenced application was approved on the above-referenced date by the San Luis Obispo County Subdivision Review Board. A copy of the findings and conditions are enclosed. The conditions of approval must be completed as set forth in this document.

An approved or conditionally approved tentative parcel map shall expire twenty-four months after its approval or conditional approval. The expiration of the approved or conditionally approved tentative parcel map or tentative tract map shall terminate all proceedings, and no parcel map of all or any portion of the real property included within such tentative parcel map shall be filed without first processing a new tentative map. Upon application of the divider filed with the Department of Planning and Building prior to the expiration of the approved or conditionally approved tentative parcel map, the Subdivision Review Board may extend or conditionally extend the time at which such map expires for a period or periods not exceeding a total of five years pursuant to the provisions of Sections 66412.3, 66473 and 66474 of the Subdivision Map Act and Section 21.48.080 of the Real Property Division Ordinance. (Sec 21.06.010)

Pursuant to County Real Property Division Ordinance Section 21.04.020, you have the right to appeal this decision to the Board of Supervisors up to 14 calendar days from the date of this action, in writing, to the Department of Planning and Building. The appeal fee is \$625.00 and must accompany your appeal form.

If you have any questions regarding this matter, please contact me at (805) 781-5718.

Sincerely,

*Nicole Retana*

NICOLE RETANA, SECRETARY  
COUNTY SUBDIVISION REVIEW BOARD

cc: Public Works Department

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**FINDINGS - EXHIBIT A**

*Environmental Determination*

- A. 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 July 19, 2007 for this project. Mitigation measures are proposed to address Air Quality, Geology and Soils, Public Services and Utilities, Recreation, Transportation and Circulation, and Water, and are included as conditions of approval.

*Tentative Map*

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Residential Rural land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances.
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of single family residences and residential accessory uses.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support a primary and secondary dwelling and residential accessory uses.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the project is of limited size and scope and is not located in close proximity to significant fish or wildlife habitat.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

*Road Improvements*

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

**EXHIBIT B**

**CONDITIONS OF APPROVAL FOR PARCEL MAP CO 06-0095 (ORTIZ)**

**Approved Project**

1. A Tentative Parcel Map (CO 06-0095) to subdivide an existing 26.66 acre parcel into two parcels of 16.19 and 10.47 acres each for the purpose of sale and/or development.

**Access and Improvements**

2. Roads and/or streets to be constructed to the following standards:
  - a. Hetrick Road and Cherokee Place widened to complete the project side of an A-1 section fronting the property.
3. The applicant offer for dedication to the public by certificate on the map or by separate document:
  - a. For road widening purposes 25 feet along Cherokee Place, to be described as the southeasterly 25 feet of Lots 1 and 2.
  - b. A minimum 10-foot wide detached public access trail easement located along the Hetrick Road and Willow Road frontages to the County's A-1(x) detached trail road standard. The location and design of the proposed trail easement shall be reviewed and approved by the County Parks Division prior to recordation of the map or approval of subdivision improvement plans (whichever occurs first). The trail easement shall be located (1) to minimize disturbance of existing vegetation, (2) on relatively flat land, and (3) outside of potential safety or high maintenance areas.

**Improvement Plans**

4. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include, as applicable:
  - a. Street plan and profile.
  - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
  - c. Grading and erosion control plan for subdivision related improvement locations.
  - d. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
  - e. Trail plan, to be approved jointly with the Park Division.
5. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

## ATTACHMENT 2

6. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

### **Drainage**

7. Submit complete drainage calculations to the Department of Public Works for review and approval. Delineate limits of the 100-year flood elevation and 2-foot freeboard of existing undrained depression on Lot 1.
8. If calculations so indicate, drainage must be retained in a drainage basin on the property. The design of the basin is to be approved by the Department of Public Works, in accordance with county standards. The basin(s) is to be maintained in perpetuity.
9. If a drainage basin is required, the drainage basin along with rights of ingress and egress be:
  - a. offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.
10. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program.

### **Utilities**

11. Electric and telephone lines shall be installed underground or overhead.
12. Cable T.V. conduits shall be installed in the street.
13. Gas lines shall be installed.

### **Fire Protection**

14. The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CalFire)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map per letter dated June 22, 2006.

### **Parks and Recreation (Quimby) Fees**

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

### **Affordable Housing Fee**

16. Prior to filing the final parcel or tract map, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

**Landscape Plans**

17. **If a drainage basin** is required, then submit detailed landscaping plans in compliance with Chapter 22.16/Section 23.04.180 et seq. to the Department of Planning and Building for review and approval prior to approval of improvement plans or filing of the final parcel or tract map, whichever occurs first. Said plans to include location, species, size, and method of maintenance of all proposed plant materials. All proposed plant materials shall be of a drought tolerant variety and be sized to provide a mature appearance within three years of installation. Plan to include:
- a. Drainage basin fencing, if the drainage basin has a depth of 2 feet or greater as measured from the top of the rim to the lowest portion of the basin.
  - b. Drainage basin perimeter landscape screening, if the basin is fenced
  - c. Landscaping for erosion control.
18. All approved landscaping shall be installed or bonded for prior to completion of the improvements or filing of the final parcel or tract map which ever occurs first, and thereafter maintained in a viable condition on a continuing basis. If bonded for, landscaping shall be installed within 90 days of completion of the improvements.

**Additional Map Sheet**

19. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
- a. If a fenced drainage basin is required, that the owner(s) of lot(s) 2 is responsible for on-going maintenance of drainage basin fencing, in perpetuity.
  - b. If a drainage basin is required, that the owner(s) of lot(s) 2 is responsible for on-going maintenance of drainage basin/adjacent landscaping in a viable condition on a continuing basis into perpetuity. The basin(s) area shall be indicated as a building restriction.
  - c. All driveways shall be constructed in accordance with County Standard Improvement Specifications and Drawings. All driveways constructed on county roads require an encroachment permit.
  - d. The limits of inundation from a 100 year storm over lots 1 and 2 from the existing undrained depression shall be shown on the additional map sheet and note the required building restriction on the sheet.
  - e. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
  - f. A notice that no construction permits will be given a final inspection until the fire safety conditions established in the letter dated June 22, 2006 from the California Department of Forestry (CDF)/County Fire Department are completed. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection approval of all required fire/life safety measures.
- Air Quality*
- g. During construction/ground disturbing activities, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.

## ATTACHMENT 2

1. Reduce the amount of disturbed area where possible,
  2. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Reclaimed (nonpotable) water should be used whenever possible.
  3. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
  4. 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 load and top of trailer) in accordance with CVC Section 23114.
  5. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
  6. All dirt stock-pile areas should be sprayed daily as needed.
- h. No developmental burning is allowed unless an application is filed and a burn permit is issued by the Air Pollution Control District. The application shall include the justification for burning greenwaste material on the project site as well as two written estimates for chipping, grinding, or hauling the greenwaste.
- i. **Prior to any site disturbance**, the applicant shall have a geologic evaluation completed to determine if naturally occurring asbestos (NOA) is present within the area of disturbance. If NOA is not present, an exemption request shall be filed with the APCD. If NOA is present, the applicant shall comply with all requirements of the Air Toxics Control Measure.
- j. Only APCD approved wood burning appliances shall be used in new residential development.

### *Biological Resources*

- k. No oak trees shall be removed or impacted by future development. **At the time of application for construction permits**, the applicant shall show any oak trees within 50 feet of construction and/or grading activities.
- l. **Prior to any site disturbance**, any oak trees within 50 feet of construction and/or grading shall be fenced for protection.

### *Water*

- m. **Prior to issuance of building permits for development on the proposed parcels**, proposed construction plans must include indoor water conservation measures including: low or dual water-use toilets, showerheads, and faucets;; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen.
- n. **Prior to final inspection of construction permits**, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). **Prior to permit issuance**, the measure(s) to be used shall be shown on all applicable plumbing plans.
- o. **Prior to issuance of construction permits**, the applicant shall submit landscape plans for the proposed parcels that includes the following outdoor conservation measures: limited irrigated landscape area of 1,500 square feet, low water-use plant materials, turf area limited to 20 percent of the site's total irrigated landscaped area, soil moisture sensors, and drip irrigation systems. This does not preclude any future agricultural use on the site.
- p. **Prior to issuance of construction permits**, the applicant shall pay a supplemental water development fee for each residential unit as required by County Ordinance.

*Miscellaneous*

- q. **Prior to issuance of construction permits for Parcel 1**, the applicant shall show a minimum 50-foot setback from the existing animal enclosures on Parcel 2.

**Covenants, Conditions and Restrictions**

20. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:
  - a. If a fenced drainage basin is required, on-going maintenance of drainage basin fencing, in perpetuity.
  - b. If a drainage basin is required, on-going maintenance of drainage basin / adjacent landscaping in a viable condition on a continuing basis into perpetuity.
  - c. The limits of inundation from a 100 year storm over lots 1 and 2 from the undrained depression shall be shown on an exhibit attached to the CC&R's and note the required building restriction in the CC&R's.
  - d. Notification to prospective buyers that an additional map sheet was recorded with the final parcel or tract map. The restrictions, conditions and standards set forth in the additional map sheet apply to future development. It is the responsibility of the prospective buyers to read the information contained on the additional map sheet.

**Miscellaneous**

21. This subdivision is also subject to the standard conditions of approval for all subdivisions using individual wells and septic tanks, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
22. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

**STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS  
USING INDIVIDUAL WELLS AND SEPTIC TANKS**

1. Each parcel shall have its own private well(s) for a domestic water supply approved by Environmental Health Services, except as set forth in 2d.
2. Operable water facilities shall exist prior to the filing of the final subdivision map. Evidence of adequate and potable water, shall be submitted to Environmental Health Services including the following:
  - A. Well Completion Report- The well log generated by the driller at the time the well is constructed.
  - B. Water Quality- A complete chemical analysis, to include general mineral, general physical and inorganics, shall be submitted for evaluation for each of the wells developed. Site evaluations may trigger additional testing requirements by Environmental Health Services. (Within last 5 years)
  - C. Production- On individual private wells, a minimum of a four hour pump test with draw down and recovery data by a **licensed and bonded** well driller or pump testing company, shall be submitted for review and approval for each well proposed for the subdivision. (Within last 5 years)
  - D. Shared Well System- The applicant shall contact Environmental Health Services for assistance in properly designing a shared water well system. A shared water well system review fee (said fee is separate from any fees paid through the County Planning and Building Department) shall be provided to this office prior to finaling the map.
3. On-site systems that are in conformance with the county-approved Central Coast Regional Water Quality Control Board basin plan and County Building and Construction Ordinance, Title 19, will be an acceptable method of sewage disposal until community sewers may become available.
4. No sewage disposal system installations are to be placed closer than 100 feet from the top of any perennial or continuous creek banks, drainage swales or areas subject to inundation.
5. Sewage disposal systems shall be separated from any individual domestic well and/or agricultural well, as follows: 1) leaching areas, feed lots, etc., one hundred (100) feet and bored seepage pits (dry wells), one hundred and fifty (150) feet. Domestic wells intended to serve 5 or more parcels shall be separated by a minimum of two hundred (200) feet from septic systems and dry wells.
6. Individual systems on new land divisions shall be designed and constructed to either reserve sufficient site area for dual leach fields (100% replacement area), or construct the dual leach fields with a diverter valve at the time of initial septic system installation.

ATTACHMENT 2

7. Sewage disposal systems installed on slopes in excess of 20% shall be designed and certified by a registered civil engineer or geologist and submitted to the County Planning Department for review and approval **prior to the issuance of a building permit**. Consultants shall determine geologically stable building sites and sewage disposal for each parcel, including evaluations of hillside stability under the most adverse conditions including rock saturation and seismic forces. Slopes in excess of 30% are not considered suitable or practical for subsurface sewage disposal.
8. An encroachment permit shall be obtained from County Public Works for any work to be done within the county right-of-way.
9. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
10. Any existing reservoir or drainage swale on the property shall be delineated on the map.
11. Prior to submission of the map "checkprints" to County Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
12. Required public utility easements shall be shown on the map.
13. Approved street names shall be shown on the map.
14. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of the land proposed.
15. The developer shall submit a preliminary subdivision guarantee to County Public Works for review prior to recordation of the map.
16. Any private easements on the property shall be shown on the map with recording data.
17. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to recordation of the map.
18. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
19. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
20. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.