



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

December 5, 2008

Dennis and Jane Johansen
766 Higuera Street
San Luis Obispo, CA 93401

NOTICE OF FINAL COUNTY ACTION

HEARING DATE: December 1, 2008

SUBJECT: **DENNIS AND JANE JOHANSEN**
County File Number: SUB2007-00005 / CO 07-0099
Document Number: 2008-034

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 \$560.00 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

976 OSOS STREET, ROOM 300 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

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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 September 4, 2008 for this project. Mitigation measures are proposed to address biological and air quality 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 Residential Suburban 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 residential uses.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support a residential dwelling.
- 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 applicant has agreed to the biological mitigations as stated in the Developer's Statement to reduce the site impacts to less than significant value.
- 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.

CONDITIONS - EXHIBIT B

Approved Project

1. A Vesting Tentative Parcel Map (CO 07-0099) to subdivide an existing 5.12 acre parcel into two parcels of 2.53 acres and 2.59 acres each for the purpose of sale and/or development. The project will result in the disturbance of approximately 21,350 square feet on a 5.1 acre parcel due to future development of a residence, and approximately 17,850 square feet of disturbance due to possible road/driveway improvements.

Access and Improvements

2. Roads and/or streets to be constructed to the following standards, unless design adjustments are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards:
 - a. Un-Named access road to Parcel 1 constructed to Cal Fire Access Road standards within a minimum 25-foot access easement and terminating in a Cal Fire standard cul-de-sac or Cal Fire approved hammer head turnaround as shown on the Tentative Parcel Map. Shall be shown on an additional Map Sheet
3. All grading shall be done in accordance with Appendix 33 of the Uniform Building Code or current requirements adopted by the county that pertain to grading. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

Drainage

4. Submit complete drainage calculations to the Department of Public Works for review and approval.
5. If calculations so indicate, drainage must be retained or detained 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.
6. If a drainage basin is required, the drainage basin along with rights of ingress and egress be:
 - a. reserved as a drainage easement in favor of the owners and assigns.

Utilities

7. All new electric and telephone lines shall be installed underground or overhead and service lateral stubbed to each lot (rural areas).
8. Cable T.V. conduits shall be installed in the street.
9. Gas lines shall be installed.

Design

10. The lot areas of proposed Parcel 1 and Parcel 2 shall each contain a minimum area of 2.5 acres gross.

Parks and Recreation (Quimby) Fees

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

Affordable Housing Fee

12. 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.

Fire Protection

13. Prior to filing the final parcel or tract map, the applicant shall obtain a fire safety clearance letter from the California Department of Forestry (Cal Fire)/County Fire Department establishing fire safety requirements of the updated Fire Safety letter dated November 5, 2008 and correspondence dated, November 18, 2008, and December 1, 2008.

Additional Map Sheet

14. 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:

Drainage Basin

- a. If a fenced drainage basin is required, that the owner(s) of lot(s) 1 and 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) 1 and 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. Notification to prospective buyers that streets/roads within the subdivisions are to be privately maintained, indicating the proposed maintenance mechanism.

Air Quality

- d. All required PM10 measures shall be shown on applicable grading or construction plans. In addition, the developer shall designate personnel to insure compliance and monitor the effectiveness of the required dust control measures (as conditions dictate, monitor duties may be necessary on weekends and holidays to insure compliance); the name and telephone number of the designated monitor(s) shall be provided to the APCD prior to construction/grading permit issuance.
 1. Reduce the amount of the disturbed area where possible,
 2. Use water trucks or sprinklers system in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible,
 3. All dirt stockpile areas should be sprayed daily as needed,
 4. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and
 5. Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- e. Prior to issuance of a grading permit, the applicant shall provide geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filled with the Air Pollution Control District. If asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM.
- f. Prior to issuance of any construction permit to remove or demolish any buildings or utility pipes on the subject property, the applicant shall provide evidence they have contacted APCD to determine: a) what regulatory jurisdictions apply to the proposed demolition, such as the National Emission Standard for Hazardous Air

- Pollutants (40CFR61, Subpart M – Asbestos NESHAP); b) District notification requirements; c) the need for an asbestos survey conducted by Certified Asbestos Inspector; and d) applicable removal and disposal requirements of the asbestos-containing material.
- g. Only the following types of wood burning devices shall be allowed (based on District Rule 504): a) EPA-Certified Phase II wood burning devices; b) catalytic wood burning devices emitting less than or equal to 4.1 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; c) non catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; d) pellet-fueled woodheaters; or e) dedicated gas-fired fireplaces. Prior to construction permit issuance, such devices shall be shown on all applicable plans, and installed as approved by the county.
 - h. Prior to construction permit issuance, the applicant shall provide evidence they have contacted APCD on any proposed portable equipment requiring APCD or CARB registration, such as: 50-hp portable generators, IC engines, unconfined abrasive blasting operations, concrete batch plants, rock and pavement crushing, tub grinders, trammel screens, etc. Should any of these types of equipment be used during construction activities California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit may be required.
 - i. The Air Pollution Control District prohibits the burning of vegetative materials.
 - j. At the time of application for construction permits, the applicant shall submit comprehensive soil testing to the County Environmental Health Division for review.

Water

- k. Atascadero Mutual Water Company requires each parcel to have a separate water service. The applicant shall illustrate the proposed location of the water service for each proposed new parcel.

Biological

- l. Prior to map recordation, the applicant shall enter into an open space agreement with the county in perpetuity for the areas specified on attached Exhibit C. The intent of the open space agreement is primarily to protect the San Luis Obispo mariposa lily. All allowed activities or uses within this open space area shall be limited to what is specified in the agreement/easement, and shall be passive in nature and not adversely impact the identified sensitive biological resources. The easement shall be managed as annual grassland. No grazing, no landscaping, no orchard plantings and no ground disturbance shall be allowed within the easement area. The easement area may be mowed at 4 inches before April 15th and again after July 30th to allow the plant to flower and release seed between mowings.

Access and Improvements

- m. Roads and/or streets to be constructed to the following standards, unless design adjustments are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards:
 - 1. Un-Named access road to Parcel 1 constructed to Cal Fire Access Road standards within a minimum 25-foot access easement and terminating in a Cal Fire standard cul-de-sac or Cal Fire approved hammer head turnaround as shown on the Tentative Parcel Map. Shall be shown on an additional Map Sheet

Trees

- n. Trees along the un-named access road to Parcel 1 shall be limed up and maintained at a height of 13'5". No oak tree removal is required.

Miscellaneous

15. The garage on proposed Parcel 2 shall be brought into conformance with the Land Use Ordinance prior to the recordation of the parcel map. Because the garage does not meet the minimum setback of 30 feet, an adjustment from the required setbacks may be required from Cal Fire in accordance with Section 22.54.020.F of the Land Use Ordinance.
16. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and septic tanks, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
17. All timeframes on approved tentative maps for filing of final parcel are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.
18. The subdivider shall as a condition of approval of this tentative or final map application defend, indemnify and hold harmless the County of San Luis Obispo or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul any approval of the County concerning this subdivision, which action is brought within the time period provided for by law. This condition is subject to the provisions of Government Code section 66474.9, which are incorporated by reference herein as though set forth in full.
19. Prior to map recordation, full soils testing results consisting of 3 percolation tests and 1 deep boring shall be submitted to County Environmental Health for review and approval. Soils testing shall take place in the area where the septic system is proposed on Parcel 1.

ATTACHMENT 2

STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS USING
COMMUNITY WATER AND SEPTIC TANKS

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved Public water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to Environmental Health Services for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Construction of required improvements (water main extensions, laterals to each parcel) may be delayed, through preparation of plans, posting of bonds, and subject to the approval of County Public Works, Environmental Health Services, and the public water utility. However, bonding may not occur for the water well(s) construction, quantity and quality.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by Environmental Health Services.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and Environmental Health Services destruction standards. The applicant is required to obtain a permit from the County Health Department.
5. When a potentially operational or existing auxiliary water supply (in the form of an existing well(s)) is located on the parcels created by this subdivision and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Code).
6. 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 public sewers may become available.
7. No sewage disposal system installations are to be placed closer than 100 feet from the top of any perennial or continuous creek bank, drainage swale or area subject to inundation.
8. For parcels created with approved community (public) water but no community sewers, the approved on-site sewage disposal system shall be designed, where feasible, for ease in ultimate sewerage.
9. 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 a leach field, two hundred and fifty (250) feet from seepage pits or dry wells.
10. 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

11. 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 and Environmental Health Services 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 on-site subsurface sewage disposal.
12. An encroachment permit shall be obtained from County Public Works for any work to be performed within the county right-of-way.
13. An encroachment permit shall be obtained from the California Department of Transportation for any work to be performed on the state highway.
14. Any existing reservoir or drainage swale on the property shall be delineated on the map.
15. Prior to submission of the map "check prints" to County Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
16. Required public utility easements shall be shown on the map.
17. Approved street names shall be shown on the map.
18. 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 land proposed.
19. The developer shall submit a preliminary subdivision guarantee to County Public Works for review prior to the filing of the map.
20. Any private easements on the property shall be shown on the map with recording data.
21. All conditions of approval herein specified, unless otherwise noted, shall be completed prior to recordation of the map.
22. 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.
23. A map shall be filed in accordance with the Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
24. 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.