

## Exhibit B: October 3, 2011 Denial of Encroachment

October 3, 2011

Mr. Kalvin Packett  
626 Cherokee Place  
Nipomo, CA 93444

**Subject: Encroachment Permit Request to Construct a Secondary Driveway Approach from Property Located at 626 Cherokee Place onto Willow Road (APN 091-301-025)**

Dear Mr. Packett:

Public Works is in receipt of your encroachment permit application requesting construction of a secondary driveway approach to connect your property, located at 626 Cherokee Place, to Willow Road. As you are aware, the section of Willow Road adjacent to your property is currently under construction as a part of the County's Willow Road Extension project.

Your application was reviewed for conformance with County Codes and Policies and this letter is to inform you that your Encroachment Permit application to construct a driveway for access to Willow Road has been denied for reasons including:

1. Once completed, Willow Road will be a designated arterial roadway in the Circulation Element of the County's General Plan. The primary function of an arterial roadway is to support the high capacity movement of vehicles. Limiting access, such as a driveway approach, reduces potential points of vehicle conflict thus adding to the safety of the facility.
2. Your property currently has access via Cherokee Place to a County maintained public road (Hetrick Avenue). Secondary access to Willow Road may provide convenience for the property but it is not a necessity.
3. Phase 3 of the Willow Road Extension project proposes to extend North Frontage Road from its current terminus at Sandydale Drive northerly to Willow Road; and to connect Cherokee Place to North Frontage Road. Upon completion of the Phase 3 work all parcels along Cherokee Place will be provided secondary access to a County maintained road.

In response to our previous conversation, any future proposed changes in use on your property would require discretionary review. During the review process Public Works would evaluate the project application and provide traffic circulation recommendations. Based on the type of development proposed our recommendation may include:

- Under the property's current zoning Public Works would continue to deny access to Willow Road for use permits and land subdivisions, if allowable under current county ordinances.
- More intensive proposed uses would trigger a General Plan Amendment (GPA). Public Works would request a circulation update be performed with the amendment to define future regional circulation requirements. Current considerations include the connection of Hetrick Avenue to Pomeroy Road; and circulation within the large undeveloped lands bordered by Cherokee Place, US 101, Sandydale Drive, Pomeroy Road and Hetrick Avenue.
- If a GPA increases the density and zoning of your property then controlled access to Willow Road may be allowable. A sample of controlled access includes shared driveways with center left turn lane improvements.

In accordance with San Luis Obispo Municipal Code, Section 13.08.120 you may appeal the Director of Public Works (Director) denial of an encroachment permit to the County Board of Supervisors. An appeal must be submitted in writing to the Director within five days after this notification of denial of permit application and the appeal letter should set forth the reasons why the Director's decision should be reversed by the Board of Supervisors. The Director will prepare a report to the Board of Supervisors, and schedule the matter for public hearing. At the public hearing, the Board of Supervisors may affirm, affirm in part, or reverse the decision of the Director.

Please contact me if you have any additional questions.

Sincerely,

Dave Flynn, PE  
Deputy Director of Public Works

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File: Road #1073, Willow Road