



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS

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March 21, 2012

MEMORANDUM

TO: San Luis Obispo County Clerk – Recorder

FROM: Douglas Rion, County Surveyor *DR for DR*

SUBJECT: Parcel Map CO 08-0054 (Soo, Nelson, Osler)

The above mentioned Parcel Map was scheduled, heard, and approved by the Board of Supervisors at their meeting on March 13, 2012. The subdivision is located near the edge of Nipomo Mesa on Scenic View Way.

On the mentioned Parcel Map, the developer reserved a 25-foot wide trail easement which was a final condition of approval. On March 20, 2012, Public Works was informed by County Counsel that the mentioned trail easement condition was to be satisfied by the developer in the form of an offer to dedicate to the public. This same condition was applied to the development to the west of the mentioned Parcel Map.

Within the developer's statement for the Parcel Map, the owner agreed to have a condition where the trail easement was to be an offer of dedication to the public as part of the project description. The County failed to apply the agreed upon condition, based on the developer's statement, into the final conditions of approval. However, the requirement to offer to dedicate to the public a 25-foot wide trail easement was still part of the project description, and needed to be complied with.

Section 66450 (a) of the Subdivision Map Act (Government Code) states that "if a subdivision for which a parcel map is required lies within an unincorporated area, a certificate or statement by the county surveyor is required." The county surveyor's certification is based upon, among other things, a finding that, "all provisions of local ordinances applicable at the time of approval of the tentative map have been complied with."

Consequently, the County Surveyor's certification on the Parcel Map that was submitted to the Board of Supervisor's was made in error and is withdrawn. The Parcel Map

should not be recorded because it does not contain the necessary finding as stated above. Instead, the Parcel Map should be rejected for filing and returned to the Clerk of the Board of Supervisors for action as required by Section 66466 (b) of the Subdivision Map Act (Government Code) in order to allow the subdivider an opportunity to submit a new map with the trail easement being an offer to dedicate to the public and obtain a new certification from the County Surveyor as required by Section 66450 (a) of the Subdivision Map Act (Government Code).

c: Kami Griffith, Planning and Building
Elizabeth Kavanaugh, General Services
Steve Osler, Developer 2364 Brant St. Arroyo Grande, CA 93420
Glenn Marshall, Development Services
James Orton, Deputy County Counsel
Ben Maddalena, Central Coast Engineering 396 Buckley Rd. San Luis Obispo,
CA 93401

File: Parcel Map CO 08-0054

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