

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building		(2) MEETING DATE April 4, 2006		(3) CONTACT/PHONE Jo Manson, Planner II; (805) 781-4660	
(4) SUBJECT Continued hearing to finalize action to uphold an appeal by <b>DEUTSCHE BANK NATIONAL TRUST COMPANY, AS SUCCESSOR TRUSTEE UNDER DECLARATION OF TRUST OF EUGENE RENE LEROY, AND BOREL PRIVATE BANK &amp; TRUST COMPANY, AS TRUSTEE OF THE JEAN LEROY FAMILY TRUST / HARRELL FLETCHER, FLETCHER-CROSS &amp; ASSOCIATES</b> , of the Planning Director's determination concerning application for Certificates of Compliance C04-0165 (SUB2003-00142) and a portion of Certificates of Compliance C04-0164 (SUB2003-00139), for 9 lots ranging in size from approximately 80.00 acres to 127.65 acres in the Agriculture Land Use Category. The project is located at 2105 Guadalupe Road, 2351, 2426 and 1234 Division Street, south of the community of Nipomo in the South County Planning Area, APN's: 092-021-013, 092-031-013, 092-051-012 and 092-061-001. County File Number: <b>SUB2003-00139/C04-0164 and SUB2003-00142/C04-0165</b> . Date application accepted: September 19, 2005. Supervisorial District #4.					
(5) SUMMARY OF REQUEST The Board of Supervisors took tentative action on February 7, 2006 to uphold an appeal by Deutsche Bank National Trust Company, as Successor Trustee under Declaration of Trust of Eugene Rene LeRoy, and Borel Private Bank & Trust Company, as Trustee of the Jean LeRoy Family Trust / Harrell Fletcher, Fletcher-Cross & Associates of the decision of the Director of Planning and Building. The appellant requested recognition by the Board that 10 individual parcels exist and 10 unconditional certificates of compliance may be approved rather than accept the staff's initial determination that deeds verifying chain of title conveying the property provided prior to the appeal validated 1 unconditional certificate of compliance and 2 conditional certificates of compliance. The tentative action taken by the Board of Supervisors on February 7, 2006, was to recognize ten (10) unconditional certificates of compliance. The hearing on April 4, 2006 is to finalize that action by adoption of a resolution.					
(6) RECOMMENDED ACTION Adopt the resolution upholding the appeal and reversing the decision of the Director of Planning and Building and approving the issuance of ten (10) regular (unconditional) Certificates of Compliance pursuant to the application for Certificates of Compliance C04-0165 (SUB2003-00142) and a portion of Certificates of Compliance C04-0164 (SUB2003-00139).					
(7) FUNDING SOURCE(S) Appeal Fee (\$604.00)		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> N/A <input type="checkbox"/> NO					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST):					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) 1st, 2nd, 3rd, <b>4th</b> , 5th, All			(14) LOCATION MAP <input type="checkbox"/> Attached <input type="checkbox"/> N/A		
(15) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> <b>Hearing (Time Est. 5 minutes)</b> <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(16) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> <b>Resolutions (Orig + 4 copies)</b> <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A		
(17) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(18) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		
(19) ADMINISTRATIVE OFFICE REVIEW  <div style="text-align: right; font-family: cursive; font-size: 1.2em;">OK Leslie Brown</div> <div style="text-align: right; font-size: 2em; font-weight: bold; margin-top: 10px;">C-1 (4-4-06)</div>					



SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

**TO:** BOARD OF SUPERVISORS

**FROM:** JO MANSON, PLANNER II, INFORMATION SERVICES GROUP

**VIA:** VICTOR HOLANDA, DIRECTOR OF PLANNING AND BUILDING

**DATE:** APRIL 4, 2006

**SUBJECT:** Continued hearing to finalize action to uphold an appeal by **DEUTSCHE BANK NATIONAL TRUST COMPANY, AS SUCCESSOR TRUSTEE UNDER DECLARATION OF TRUST OF EUGENE RENE LEROY, AND BOREL PRIVATE BANK & TRUST COMPANY, AS TRUSTEE OF THE JEAN LEROY FAMILY TRUST / HARRELL FLETCHER, FLETCHER-CROSS & ASSOCIATES** of the Planning Director's determination concerning application for Certificates of Compliance C04-0165 (SUB2003-00142) and a portion of Certificates of Compliance C04-0164 (SUB2003-00139), for 9 lots ranging in size from approximately 80.00 acres to 127.65 acres in the Agriculture Land Use Category. The project is located at 2105 Guadalupe Road, 2351, 2426 and 1234 Division Street, south of the community of Nipomo in the South County Planning Area, APN's: 092-021-013, 092-031-013, 092-051-012 and 092-061-001. County File Number: **SUB2003-00139/C04-0164 and SUB2003-00142/C04-0165**. Date application accepted: September 19, 2005. Supervisorial District #4.

**RECOMMENDATION**

Adopt the resolution upholding the appeal and reversing the decision of the Director of Planning and Building and approving the issuance of ten (10) regular (unconditional) Certificates of Compliance pursuant to the application for Certificates of Compliance C04-0165 (SUB2003-00142) and a portion of Certificates of Compliance C04-0164 (SUB2003-00139).

**DISCUSSION**

Your Board took tentative action on February 7, 2006 to uphold the appeal by Deutsche Bank National Trust Company, as Successor Trustee under Declaration of Trust of Eugene Rene LeRoy, and Borel Private Bank & Trust Company, as Trustee of the Jean LeRoy Family Trust / Harrell Fletcher, Fletcher-Cross & Associates. The appellant requested recognition by the Board that 10 individual parcels exist and 10 unconditional certificates of compliance may be approved rather than accept the staff's initial

determination that deeds verifying chain of title conveying the property provided prior to the appeal validated 1 unconditional certificate of compliance and 2 conditional certificates of compliance.

Upholding the appeal and reversing the decision of the Planning Director will direct staff to approve and record ten (10) unconditional certificates of compliance for Lot 55 north portion, Lot 55 south portion, Lots 56 through 58, Lots 59 and 60 portions, and Lots 64 through 66. The attached resolution reflects the tentative action taken on that date so that final action can be taken.

**OTHER AGENCY INVOLVEMENT**

County Counsel

**FINANCIAL CONSIDERATIONS**

An appeal fee was collected in accordance with the county's fee schedule.

**RESULTS / IMPACT**

Adopting the resolution will allow 10 (ten) unconditional certificates of compliance to be approved and recorded.



**IN THE BOARD OF SUPERVISORS**  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

\_\_\_\_\_ day \_\_\_\_\_, 2006

**PRESENT: Supervisors**

**ABSENT:**

RESOLUTION NO. \_\_\_\_\_

RESOLUTION UPHOLDING THE APPEAL AND REVERSING  
THE DECISION OF THE DIRECTOR OF PLANNING AND BUILDING  
AND APPROVING THE ISSUANCE OF TEN (10)  
UNCONDITIONAL CERTIFICATES OF COMPLIANCE PURSUANT  
TO THE APPLICATIONS OF DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS SUCCESSOR TRUSTEE UNDER DECLARATION OF TRUST  
OF EUGENE RENE LEROY, AND BOREL PRIVATE BANK & TRUST  
COMPANY, AS TRUSTEE OF THE JEAN LEROY FAMILY TRUST FOR  
CERTIFICATES OF COMPLIANCE C04-0164 AND C04-0165

The following resolution is now offered and read:

WHEREAS, on September 19, 2005, the Director of Planning and Building of the County of San Luis Obispo (hereinafter referred to as the "Planning Director") duly considered and determined that the properties qualified for three (3) legal parcels in consideration of two applications for unconditional certificates of compliance (C04-0164 and C04-0165) and that the property under consideration within one of the legal parcels could not be further processed without additional deeds to verify lot legality for individual lots; and

WHEREAS, Deutsche Bank National Trust Company, as Successor Trustee under Declaration of Trust of Eugene Rene LeRoy, and Borel Private Bank & Trust Company, as Trustee of the Jean Leroy Family Trust, have appealed the Planning Director's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 21 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on February 7, 2006, and the matter was continued to and determination and decision was made on April 4, 2006; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons

C-1  
4

present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and determined that the appeal should be upheld and the decision of the Planning Director should be reversed and that ten (10) unconditional certificates of compliance should be issued under the provisions of Government Code section 66499.36(a) and San Luis Obispo County Code Section 21.02.020.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct, and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.
3. That the issuance of unconditional certificates of compliance is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(1), which provides that CEQA does not apply to ministerial projects.
4. That the appeal filed by Deutsche Bank National Trust Company, as Successor Trustee under Declaration of Trust of Eugene Rene LeRoy, and Borel Private Bank & Trust Company, as Trustee of the Jean Leroy Family Trust, is hereby upheld and the decision of the Planning Director is reversed and that issuance of ten (10) unconditional certificates of compliance is hereby approved pursuant to the application of Deutsche Bank National Trust Company, as Successor Trustee under Declaration of Trust of Eugene Rene LeRoy, and Borel Private Bank & Trust Company, as Trustee of the Jean Leroy Family Trust, for Certificates of Compliance C04-0164 and C04-0165 pursuant to the provisions of Government Code section 66499.35(a) and San Luis Obispo County Code Section 21.02.020.

Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

\_\_\_\_\_  
Chairman of the Board of Supervisors

15  
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