COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

PLANNING DEPARTMENT HEARING

Promoting the wise use of land
Helping build great communities

MEETING DATE	CONTACT/PHONE	APPLICANT	FILE NO.
August 19, 2005	Stephanie Fuhs (805) 781-5721	George Donati/ Paragon Vineyard Company	COAL 05-0089 SUB2004-0295

SUBJECT
Hearing to consider a request by George Donati/Paragon Vineyards Company for a Lot Line Adjustment to adjust the lot lines between two parcels of 161.5 and 237.4 acres each. The adjustment will result in two parcels of 161.5 and 237.4 acres each. The project will not result in the creation of any additional parcels. The proposed project is within the Agriculture land use category and is located at 4915 Orcutt Road, approximately four miles south of the City of San Luis Obispo. The site is in the San Luis Obispo (Rural) planning area.

RECOMMENDED ACTION
Approve Lot Line Adjustment COAL 05-0089 based on the findings listed in Exhibit A and the conditions listed in Exhibit B

ENVIRONMENTAL DETERMINATION
A General Rule Exemption was issued on May 2, 2005.

LAND USE CATEGORY	COMBINING DESIGNATION	ASSESSOR PARCEL NUMBER	SUPERVISOR DISTRICT(S)
Agriculture	Airport Review Area	044,051,030 and 044,041,009	4

PLANNING AREA STANDARDS:
None applicable

LAND USE ORDINANCE STANDARDS:
22.22.- Subdivision Design Standards for the Agriculture land use category

EXISTING USES:
Vineyard

SURROUNDING LAND USE CATEGORIES AND USES:
North: Agriculture/Crops *East:* Agriculture/Crops
South: Agriculture/Crops *West:* Agriculture/Crops

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:
The project was referred to: Public Works, Environmental Health, Ag Commissioner, CDF

TOPOGRAPHY:	VEGETATION:
Gently to moderately sloping	Grasses, vineyard
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF	ACCEPTANCE DATE: May 4, 2005

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:
COUNTY GOVERNMENT CENTER ✦ SAN LUIS OBISPO ✦ CALIFORNIA 93408 ✦ (805) 781-5600 ✦ FAX: (805) 781-1242

ORDINANCE COMPLIANCE:

The applicant is proposing to adjust the lot lines between two legal parcels as follows:

EXISTING LOT SIZES (ACRES)	ADJUSTED PARCEL SIZES (ACRES)
161.5 acres	161.5 acres
237.4 acres	237.4 acres

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

The adjustment will result in the reconfiguration of the two parcels to configure the parcels to better reflect the existing and future agricultural use of the sites and configure the parcels to reflect topography and access.

SB 497

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan. The County's local ordinance allows a determination to be made that the proposed situation is equal to or better than the existing situation. Because the parcels as adjusted are consistent with the minimum parcel sizes as set forth in the General Plan, staff has concluded that the adjustment is consistent with both state and local law.

LEGAL LOT STATUS:

The two lots were legally created a recorded map at a time when that was a legal method of creating lots.

FINDINGS - EXHIBIT A

A. The proposed Lot Line Adjustment is consistent with the provisions of Section 21.02.030 of the Real Property Division Ordinance because the parcels, as adjusted, meet minimum parcel sizes for the land use category.

B. The proposal will have no adverse effect on adjoining properties, roadways, public improvements, or utilities.

C. Compliance with the attached conditions will bring the proposed adjustment into conformance with the Subdivision Map Act and Section 21.02.030 of the Real Property Division Ordinance.

D. The project qualifies for a General Rule Exemption pursuant to CEQA Guidelines Section 15061 because it can be seen with certainty that the project will not have a significant impact on the environment since the project is an equal exchange of land that results in the use of an existing creek crossing for access to an existing vineyard.

CONDITIONS - EXHIBIT B

1. This adjustment may be effectuated by recordation of a parcel map or recordation of certificates of compliance. If a map is filed, it shall show:
   a. All public utility easements.
   b. All approved street names.

2. Any private easements described in the title report must be shown on the map, with recording data.

3. When the map is submitted for checking, or when the certificate of compliance is filed for review, provide a preliminary title report to the County Engineer or the Planning Director for review.

4. All conditions of approval herein specified are to be complied with prior to the recordation of the map or certificates of compliance which effectuate the adjustment. Recordation of a map is at the option of the applicant. However, if a map is not filed, recordation of a certificate of compliance is mandatory.

5. The map or certificates of compliance shall be filed with the County Recorder prior to transfer of the adjusted portions of the property or the conveyance of the new parcels.

6. In order to consummate the adjustment of the lot lines to the new configuration when there is multiple ownerships involved, it is required that the parties involved quitclaim their interest in one another new parcels. <u>Any deeds of trust involving the parcels must also be adjusted by recording new trust deeds concurrently with the map or certificates of compliance.</u>

7. If the lot line adjustment is finalized using certificates of compliance, prior to final approval the applicant shall prepay all current and delinquent real property taxes and assessments collected as real property taxes when due prior to final approval.

8. The lot line adjustment will expire two years (24 months) from the date of the approval, unless the map or certificates of compliance effectuating the adjustment is recorded first. Adjustments may be granted a single one year extension of time. The applicant must submit a written request with appropriate fees to the Planning Department prior to the expiration date.

9. All timeframes on completion of lot line adjustments are measured from the date the Review Authority approves the lot line adjustment map, not from any date of possible reconsideration action

10. All parcels shall be provided with legal access from a public road. Easements or offers of dedication with a minimum width of 20 feet shall be recorded for all parcels that currently do not have access. These shall be shown on a map (if a map is used to final the adjustment) or recorded with the certificates of compliance.

11. **Prior to recordation of a parcel map or certificates of compliance finalizing the lot line adjustment**, the property owner shall grant an avigation easement to the county of San Luis Obispo. The avigation easement document shall be prepared, reviewed and approved by County Counsel.

12. **Prior to recordation of a parcel map or certificates of compliance finalizing the lot line adjustment**, the applicant shall enter into an agreement, in a form approved by County Counsel, which includes the following:

    a. The applicant shall provide each new landowner with a copy of the County Right-to-Farm Ordinance and notification regarding adjacent agricultural land uses. Notification shall include typical and potential hours of operation, the types of crops grown and the usual activities that may occur on properties with irrigated orchards or commercial nurseries. This would include noise, dust, odors, legal pesticide use, lights, nighttime operation, and early morning activity.

Staff report prepared by Stephanie Fuhs
and reviewed by Kami Griffin, Supervising Planner

San Luis Obispo County
Department of Planning and Building
environmental division

NOTICE OF EXEMPTION

ENVIRONMENTAL DETERMINATION NO. ED04-495 DATE: May 2, 2005

PROJECT DESCRIPTION

ENTITLEMENT & P/D NO: SUB2004-00295

LOCATION: 4915 Orcutt Road, San Luis Obispo

PROPOSED USES/INTENT: Vineyards/Agricultural

APPLICANT: George Donati

EXEMPT STATUS/FINDINGS

This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment, therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption]

REASONS WHY PROJECT IS EXEMPT

The proposed project will not result in significant environmental impacts for reasons including the following: The project is a very minor adjustment of land that allows an existing vineyard to expand operations without requiring any additional creek crossings to access their property. The project will not remove any significant vegetation, impact rare and endangered species, or impact any significant cultural resources.

ADDITIONAL INFORMATION

Additional information pertaining to this notice of exemption may be obtained by reviewing the second page of this document and by contacting the Environmental Coordinator, County Government Center, San Luis Obispo, CA 93405, (805) 781-5600.

REVIEW FOR EXEMPTION / ENVIRONMENTAL CHECKLIST

Project Title & No: Paragon Lot Line Adjustment, SUB2004-00295

Pursuant to section 15061 of the State California Environmental Quality Act (CEQA) Guidelines, the preliminary review of a project includes a determination as to whether a project is exempt from CEQA. This checklist represents a summary of this project's review for exemption.

		YES	NO
1.	Does this project fall within any exempt class as listed in sections 15301 through 15329 of the State CEQA Guidelines?	X	
2.	Is there a reasonable possibility that the project could have a significant effect on the environment due to unusual circumstances?		X
3.	Is the project inconsistent with any Federal, State, or local law or administrative requirement relating to the environment?		X
4.	Will the project involve substantial public controversy regarding environmental issues?		X
5.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X
6.	Does the project have the potential to achieve short-term environmental goals to the disadvantage of achieving long-term environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)		X
7.	Does the project have adverse impacts which are individually insignificant, but cumulatively significant? Cumulatively significant means that the incremental effects of an individual project are substantially adverse when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.		X
8.	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X

On the basis of this initial evaluation, I find that the proposed project does not have the potential to cause a significant effect on the environment, and is therefore exempt from CEQA.

Stephanie Fehsfor

Ellen Carroll, Environmental Coordinator

5/2/05

Date

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SF

MAY 27 2005

CDF/San Luis Obispo County Fire Department

635 N. Santa Rosa • San Luis Obispo • California 93405

May 25, 2005

South County Team
County of San Luis Obispo
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

Subject: Parcel Map Project # SUB2004-00295 (Pagan)

Dear South Count;y Team,

I have reviewed the referral for the parcel map plans for the proposed Lot Line Adjustment parcel subdivision project located at 4915 Orcutt Road, San Luis Obispo. This project is located approximately 5 to 10 minutes from the closest CDF/San Luis Obispo County Fire Station. The project **is** located in State Responsibility Area for wildland fires.
It is designated a Moderate Fire Severity Zone. This project is required to comply with all fire safety rules and regulations including the California Fire Code, the Public Resources Code and any standards referenced therein.

The following conditions will apply to this project:

Access Road

An access road must be constructed to CDF/County Fire standards when it serves more than one parcel; access to any industrial or commercial occupancy, or vehicular access to a single parcel with more than two buildings or four or more dwelling units.

- The maximum length of a dead end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:
  - Parcels less than 1 acres — 800 feet
  - Parcels 1 acre to 4.99 acres — 1320 feet
  - Parcels 5 acres to 19.99 acres — 2640 feet
  - Parcels 20 acres or larger — 5280 feet

- The road must be 18 feet in width and an all weather surface.
- If the road exceeds 12% it must have a non-skid paved surface.

- Roads may not exceed 16% without special mitigation and shall not exceed 20%.
- All roads must be able to support a 20 ton fire engine.
- Road must be named and addressed including existing buildings.
- A turnaround must be provided if the road exceeds 150 feet.
- Vertical clearance of 13'6" is required.

Driveway

A driveway is permitted when it serves no more than two buildings, with no more than 3 dwelling units or a single parcel, and any number of accessory buildings.

- Driveway width for high and very high fire severity zones:
  - 0-49 feet, 10 feet is required
  - 50-199 feet, 12 feet is required
  - Greater than 200 feet, 16 feet is required
- Turnarounds must be provided if driveway exceeds 300 feet.

Water Supply

The following applies:

☐ This project will require a community water system which meets the minimum requirements of the Appendix III-A & III-B of the California Fire Code.

☒ A water storage tank with a capacity determined by a factor of the cubic footage of the structure will be required to serve each existing and proposed structure. A residential fire connection must be located within 50 to 150 feet of the buildings.

Fuel Modification

- Vegetation must be cleared 10 feet on each side of the driveways and access road.
- Maintain around all structures a 30 foot firebreak. This does not include fire resistive landscaping.
- Remove any part of a tree that is within 10 feet of a chimney.
- Maintain any tree adjacent to or overhanging any building free of deadwood.
- Maintain the roof of any structure free of leaves, needles or other flammable material.

If I can provide additional information or assistance, please call 543-4244.

Sincerely,

Chad T. Zrelak

Chad T. Zrelak
Fire Captain Inspector

cc: Paragon Vineyard Co.
Donati
McMillan Land Surveys

COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035
AgCommSLO@co.slo.ca.us

DATE: **April 6, 2005**

TO: **Ellen Carroll, Planning & Building Dept.**

FROM: **Michael J. Isensee, Agricultural Resource Specialist** MJI

SUBJECT: **Paragon Vineyard LLA Sub2004-00295 (COAL05-0089) Ag Dept #1017**

Summary of Findings

The Agriculture Department's review of the proposed Paragon Vineyard Co Lot Line Adjustment (LLA) finds that the proposed parcels are equal to the existing configuration.

The existing configuration of the parcels creates areas on parcel 2 that are not usable for agricultural intensification due to their location across a creek and associated riparian areas. The proposed parcel configuration improves upon the existing situation for parcel 2 by expanding the area available for intensification. The reconfiguration does not improve the existing condition for parcel 1, as it removes about 4 acres of prime soil from the parcel, but does replace it with 7 acres of soils of statewide importance.

The County Department of Agriculture supports lot line adjustments that either improve agriculture or do not adversely impact agricultural potential on parcels involved in the adjustment, utilizing the agricultural policies of the Agriculture and Open Space Element of the county General Plan; Title 21, the Real Property Division Ordinance (§21.02.030(c)); and a review of the potential impacts to agricultural resources. This determination is based on a comparison of the proposed and existing parcels when considering potential long-term impacts to agricultural resources and operations.

As with all project on or near agricultural lands, future property owners should receive Right to Farm notification as per County Code, Chapter 5.16.

These comments and recommendations are based on current departmental objectives to conserve agricultural resources and to provide for public health, safety and welfare, while mitigating negative impacts of development to agriculture. If you have any additional questions, I can be reached at 781-5753.

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INTRODUCTION

The project property is located in the south of the City of San Luis Obispo west of Orcutt Road and east of the Union Pacific Railroad. Both parcels involved in the proposed LLA are zoned Agriculture and are located near the urban edge at the north end of the expansive Edna Valley agricultural area.

SOILS & CROPS

The two parcels consist of the following soil types and approximate acreages:

Paragon LLA soils	Soil Class (irrigated or non)			Current Parcels		Proposed Parcel Changes	
Soil Type & Slope	Irr	Non-Irr	Prime or State	Parcel 1	Parcel 2	Parcel 1	Parcel 2
197 SALINAS SILTY CLAY LOAM 0-2%	I	III	P	45.6	29.6	41.4	33.8
128 CROPLEY CLAY 2-9%	II	III	P		18.3		18.3
129 DIABLO CLAY 5-9%	II	III	P		7.2		7.2
216 TIERRA SANDY LOAM 2-9%	III	III	S		53.4		53.4
162 LOS OSOS-DIABLO COMPLEX 5-9%	III	III	S	15.4	9.5	22.3	2.6
163 LOS OSOS-DIABLO COMPLEX 9-15%	III	III		58.3	132.0	55.5	134.8
161 LOS OSOS LOAM 30-50%	NA	VI		27.8		27.8	
195 ROCK OUTCROP 30-75%	NA	VIII		14.4		14.4	
Acreage totals (approximate based on GIS)				161.5	250.0	161.4	250.1

Each parcel has a significant quantity of soils that are capable of producing a variety of irrigated or nonirrigated crops. The result of the proposed LLA would be to move a net acreage of approximately 4.2 acres of the site's highest quality soil, Salinas Silty Clay Loam and 2.8 acres of the steeper sloped Los Osos-Diablo complex (163) from parcel 1 to parcel 2, while moving 6.9 acres of the lower sloped Los Osos-Diablo complex (162) from parcel 2 to parcel 1. The ultimate result would be that parcel 1 would lose about ten percent of the highest quality bottom land to parcel 2 which would be replaced by somewhat lower quality soils.

The current cropping patterns on the two parcels show that about 35 acres of parcel 1 have been used for the production of field crops, while 194 acres of parcel 2 are planted in wine grapes. The intent of modifying the lot lines is to allow the vineyard to expand in a contiguous manner.

EVALUATION

The Agriculture Department evaluates lot line adjustments (LLAs) based on several factors, including: 1) the configuration of the property lines, 2) the presence of agriculturally productive soils, 3) the eligibility of the resulting parcels for agricultural preserve contracts, and 4) any other issues creating incompatibility with agriculture. For a LLA to be considered equal to or better than the existing configuration, no factor should worsen when compared to the existing configuration.

1. The proposed configuration consolidates land available for production on parcel 2. It does this by removing acreage in two areas that are unavailable for production due to the location of a stream and creating a single area of approximately 9 acres available for

expansion of the existing vineyard. The new property lines will more closely mirror the existing topography created by the stream through the site and allow production to expand on parcel 2. The proposed LLA does not change the resulting parcel sizes. In this regard the proposed LLA is better than the existing configuration.

2. The proposed LLA will remove 5.5 acres of potentially prime soil (soil 197) and 2.75 acres with lower capability (soil 163) and replace these with 6.9 acres of soils of statewide significance (soils 162) and 1.5 acres of potentially prime soil. All of the soils involved in the LLA are capable of being utilized for a variety of agricultural uses, with the possible exception of the 1.5 acres of potentially prime soils proposed for parcel 1. These soils are located within riparian areas and can likely only be utilized for their production of forage. In this regard the proposed LLA is equal to the existing configuration.
3. Parcel 1 in both its current and proposed configuration appears to qualify for a Williamson Act Preserve and contract. Parcel 2 is currently under Williamson Act contract. *This contract will need to be amended to reflect the LLA*. In this regard the proposed LLA is equal to the existing configuration.

The Agriculture Department recommends that the property owners protect their high quality soils for agricultural uses to the extent practicable by locating any future development off of these soils.

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SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

Erin

VICTOR HOLANDA, AICP
DIRECTOR

RECEIVED MAR 28 2005 COUNTY OF SAN LUIS OBISPO DEPT. OF PLANNING & BUILDING

THIS IS A NEW PROJECT REFERRAL

DATE: 3/28/05

FROM: PW

FROM: South County Team
(Please direct response to the above)

PARAGON/COAL 05-0089

SUB 2004-00295
Project Name and Number

Development Review Section (Phone: 788-2009) *OR ASK THE SWITCH-BOARD FOR THE PLANNER

PROJECT DESCRIPTION: LLA-COAL 05-0089. To allow for Paragon Vineyards to utilize land currently unused by adjacent parcels land owner. (across creek) APN: 044-051-30 & 044-041-009. 399 Acres. Off Orcutt Rd. in SLO.

Return this letter with your comments attached no later than: 4/12/05

PART I — IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

✓ YES
____ NO

PART II — ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

✓ NO (Please go on to Part III)
____ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III — **INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE**

THERE IS A 7ac "TRIANGLE" SHAPED PIECE MISSING FROM THE MAP ON PARCEL 2 (SEE ASSESSOR MAP for APN 44-051-030) AS IT IS DESCRIBED IN TITLE REPORT. NO EASEMENTS SHOWN ON TENTATIVE MAP, NO STRUCTURES SHOWN EXCEPT HIGH VOLTAGE PG&E LINE. WE HAVE NO CONCERNS WITH WHAT IS PROPOSED - RECOMMENDED APPROVAL AFTER 7ac PIECE IS ADDED TO MAP.

18 April 2005 — Date
GOODWIN — Name
5252 — Phone

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Revised 4/4/03

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S.L.O. CO. PLANNING DEPT.

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

EC

THIS IS A NEW PROJECT REFERRAL

DATE: 3/28/05

TO: APCD

FROM: South County Team
(Please direct response to the above)

PARAGON/COAL 05-0089
SUB 2004-00295
Project Name and Number

Development Review Section (Phone: 788-2009) *OR ASK THE SWITCH-BOARD FOR THE PLANNER

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X YES
____ NO

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No comment

3-29-05 Date

Melissa A Guise Name

805-781-466 Phone

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Revised 4/4/03

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SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

SLO CO PLANNING & BLDG.

VICTOR HOLANDA, AICP
DIRECTOR

RECEIVED
MAR 28 2005
ENVIRONMENTAL HEALTH

THIS IS A NEW PROJECT REFERRAL

DATE: 3/28/05

TO: Env. Health

FROM: South County Team
(Please direct response to the above)

PARAGON/COAL 05-0089

SUB 2004-00295
Project Name and Number

Development Review Section (Phone: 788-2009) *OR ASK THE SWITCH-BOARD FOR THE PLANNER

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_____ NO

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No concerns at this time.

3/29/05 — Date
Lauri Sal — Name
781-5551 — Phone

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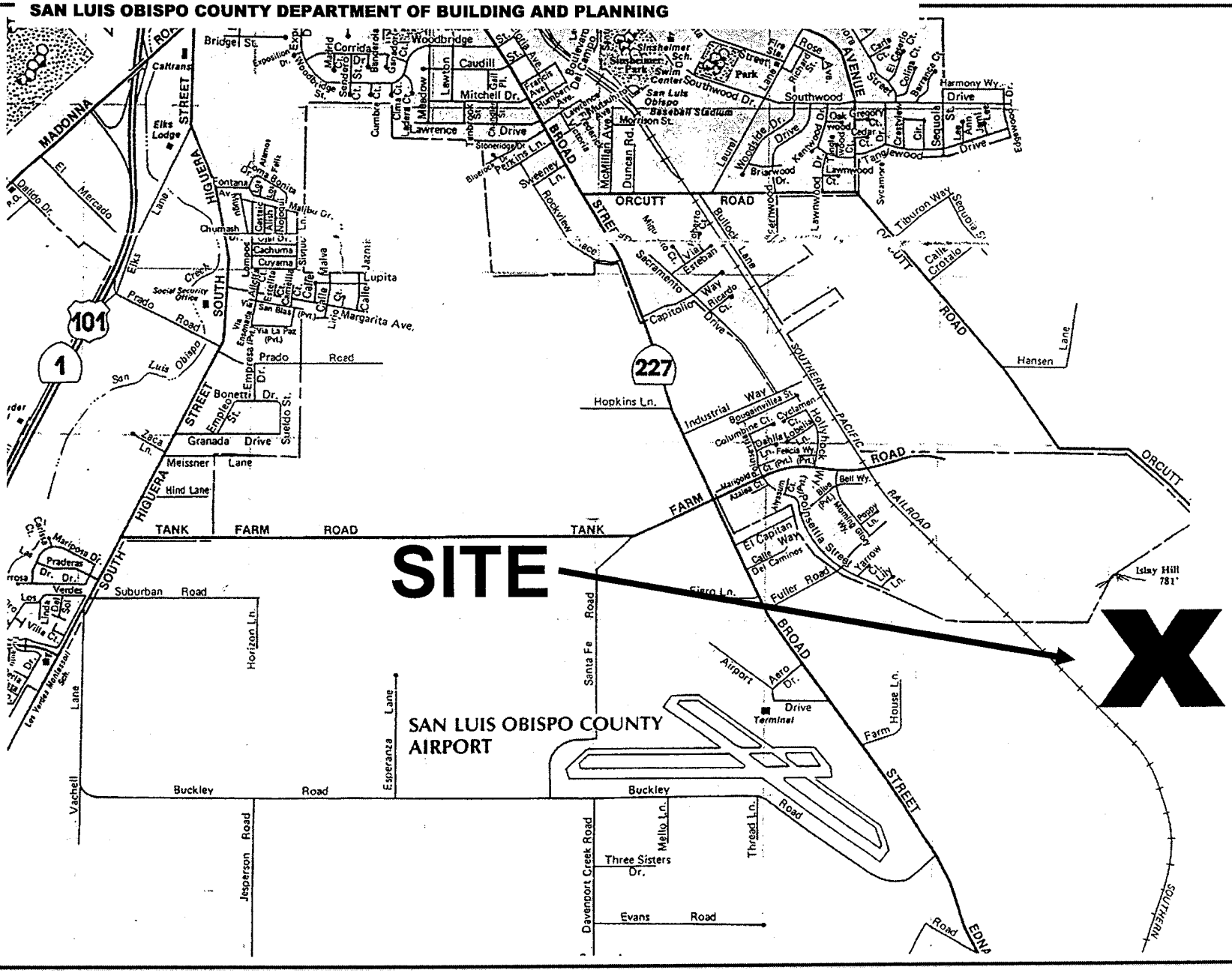
SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

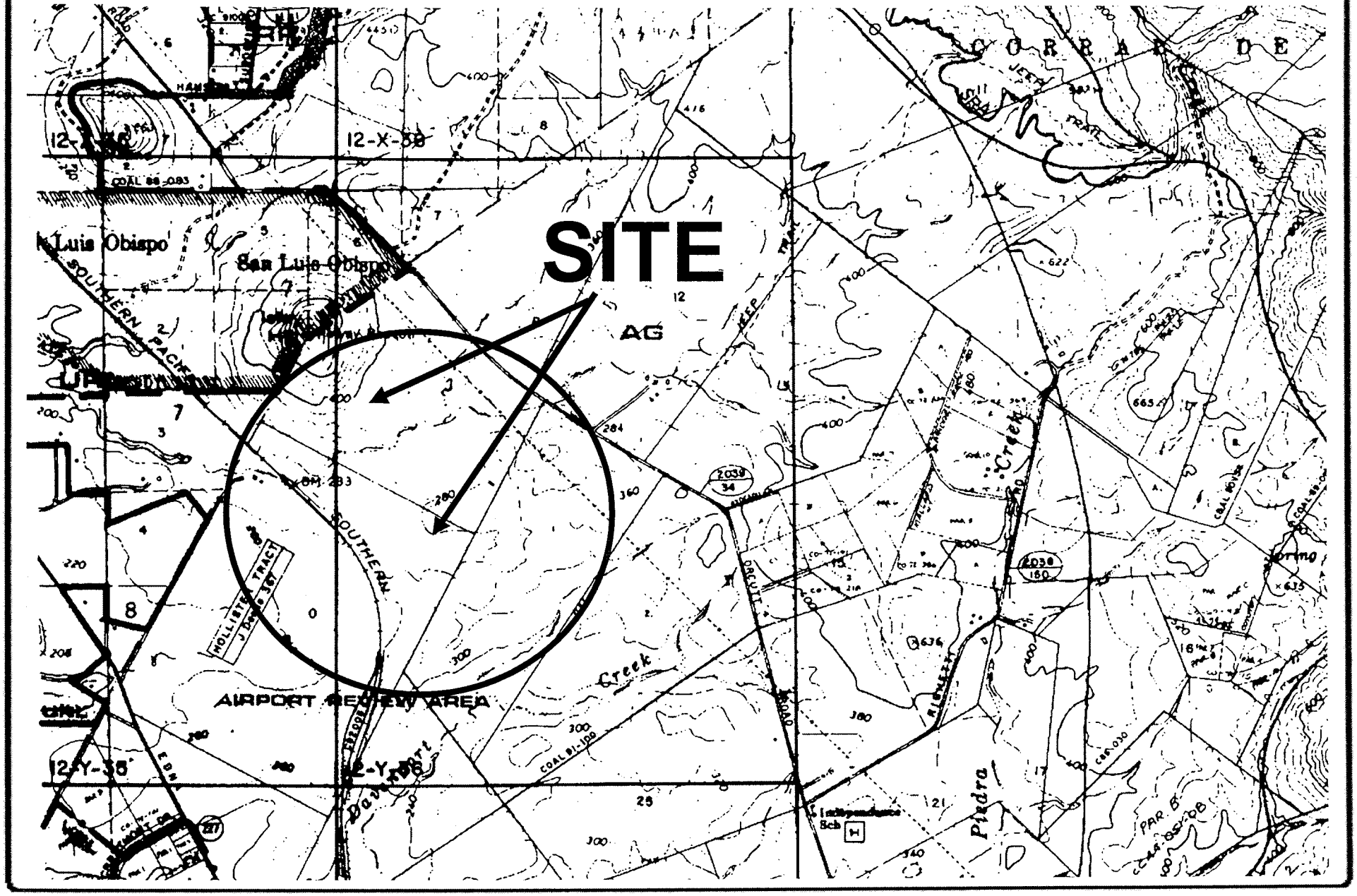
Lot Line Adjustment

Paragon SUB2004-00295

EXHIBIT

Vicinity Map

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

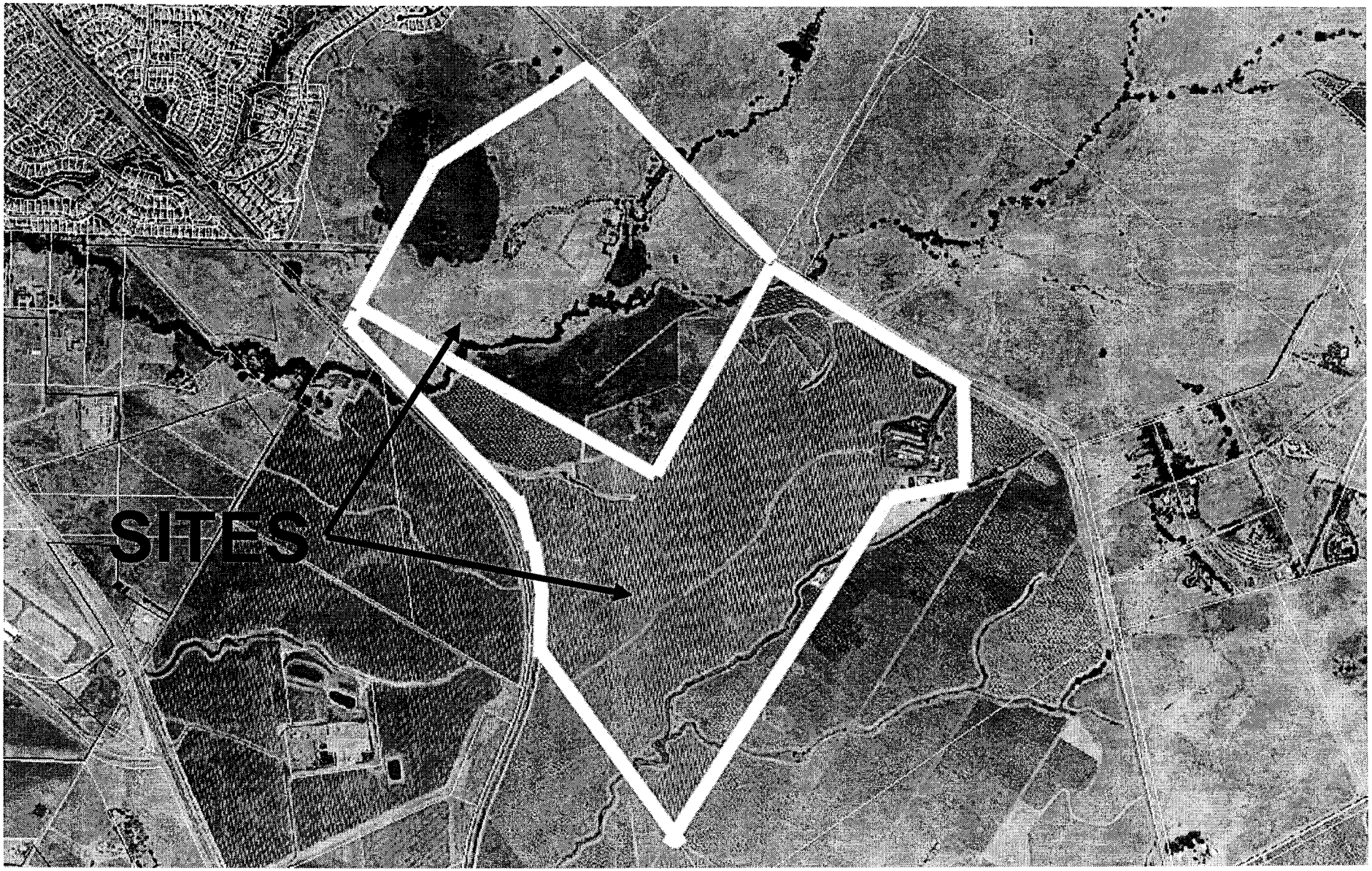
Lot Line Adjustment

Paragon SUB2004-00295

EXHIBIT

Land Use Category Map

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



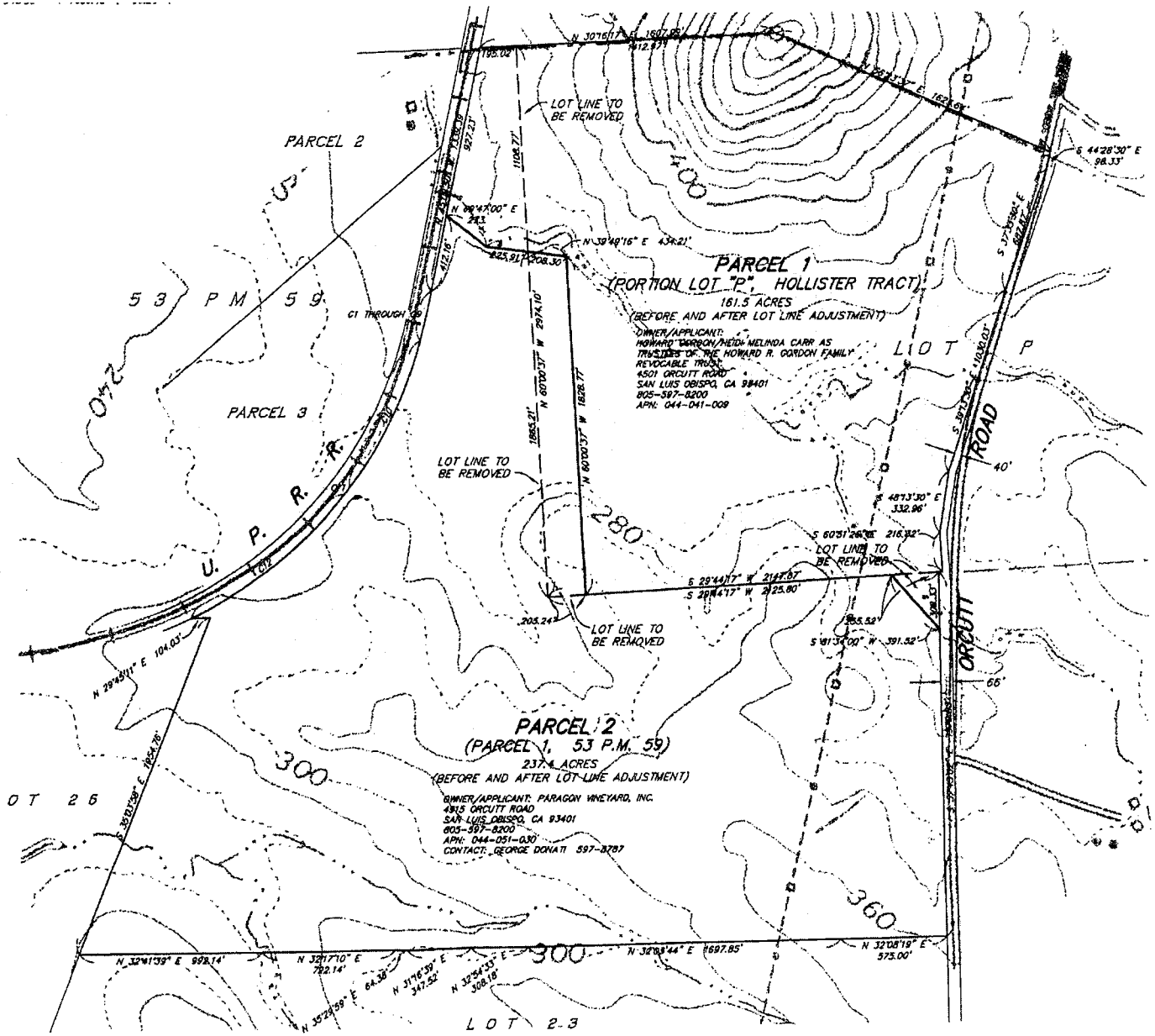
PROJECT

Lot Line Adjustment
Paragon SUB2004-00295

EXHIBIT

Aerial Photo

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Lot Line Adjustment
Paragon SUB2004-00295

EXHIBIT

Site Plan