

**APPLICATION:** **CONDITIONAL CERTIFICATES OF COMPLIANCE,  
SUB2010-00103 (C11-0067) (APN: 072-061-048)**

**OWNER/  
APPLICANT:** **Thomas & Jean Simpson, Richard & Estrella Simpson**

**AGENT:** **Tami Poe**

**PREPARED BY:** **Jo Manson, Project Planner**

**PROJECT  
HISTORY:**

The applicant is requesting one (1) conditional certificate of compliance. Subsequent to this application, the owner is proposing that First Solar, Inc. utilize the subject property as mitigation lands for the Topaz Solar Farm project.

The conditional certificate of compliance parcel is a 40 acre parcel that is the southeast quarter of the southeast quarter of Section 22 in Township 29 South, Range 18 East. Based upon a parcel size of 40 acres a pre-1972 deed would establish the legality of the parcel if the parcel had been conveyed by deed separately from surrounding land prior to March 3, 1972. There is not a pre-1972 deed for this specific parcel which deeded it separately from surrounding land; the first time the parcel was deeded out separately was on June 21, 1976 (1909 OR 260). Based upon the approximate 40 acre parcel size the parcel size was a violation of the County's Lot Division Ordinance and State Subdivision Map Act because lots of 40 acres or more could not be created after March 3, 1972 without first having a subdivision approved by the County Subdivision Review Board (SRB). A map was required to be approved to create parcels after March 3, 1972, therefore the parcel was not legally created. Therefore, a conditional certificate of compliance is required.

Applicable deed history is as follows:

**May 26, 1941 – 300 OR 24 recorded May 29, 1941** – Deed from James M. McDonald, deceased (estate) to Paul Polizzotto. Includes all of Section 22 and numerous other properties. Legal transaction.

**October 2, 1941 – 306 OR 252 recorded October 27, 1941** – Deed from Paul Polizzotto to Alfred J. Filos et al. Includes all of Section 22 and numerous other properties. Legal transaction.

**May 10, 1966 – 1404 OR 645 recorded July 29, 1966** – Deed from Alfred J. Filos and Dorothy W. Filos, and Edwin R. Walter to Grant D. Telfer and Marilyn R. Telfer. All of Section 22. Legal transaction.

**July 20, 1966 – 1404 OR 706 recorded July 29, 1966** – Deed from Grant D. Telfer and Marilyn R. Telfer to Bryam Properties, Inc. The southeast quarter of Section 22. Legal transaction.

**December 15, 1972 – 1873 OR 567 recorded January 16, 1976** – Trustee's Deed from R. J. Friesen to U.S. Land & Cattle, Inc. The southeast quarter of Section 22. Legal transaction.

**December 29, 1975 – 1873 OR 569 recorded January 16, 1976** – Deed from U.S. Land & Cattle Inc., to Guardian Land Co. The southeast quarter of Section 22. Legal transaction.

**June 21, 1976 – 1909 OR 260 recorded July 12, 1976** – Deed from Guardian Land Co., Inc. to Estel E. Sitze and Vera A. Sitze. The southeast quarter of the Southeast quarter of Section 22. Illegal Transaction. This was a violation of the County's Lot Division Ordinance and State Subdivision Map Act because parcels 40 acres or more could not be created after March 3, 1972 (Lot Division Ordinance) without first having a subdivision approved by the County Subdivision Review Board. A map was required to be approved to create parcels at that time, therefore the parcel was not legally created.

**May 18, 1981 – 2333 OR 878 recorded June 17, 1981** – Deed from Estel E. Sitze and Vera A. Sitze to Gerald K. Bates and Katherine S. Auld. APN: 072-061-048.

**April 11, 1983 – 2484 OR 746 recorded May 10, 1983** – Deed from Gerald K. Bates and Katherine S. Auld to Bernard M. Auld and Katherine S. Auld. APN: 072-061-048.

**August 16, 1988 – 3202 OR 473 recorded September 19, 1988** – Deed from Bernard M. Auld and Katherine S. Auld to Bernard M. Auld and Katherine S. Auld as Trustees of the Auld Trust. APN: 072-061-048.

**December 3, 2001 – Doc. No. 2001-095958 recorded December 12, 2001** – Deed from Katherine S. Auld, Trustee of the Auld Trust (Bernard Auld passed away 8/18/00) to Thomas E. Simpson and Jean V. Simpson as to 50% and Richard E. Simpson and Estrella Simpson, as to 50% interest.

Pursuant to the Subdivision Map Act, the parcels should comply with the subdivision standards in effect on December 3, 2001 as that is the date that the applicants acquired their interest in the property. **(Doc. #2001-095958)**.



APN(S): 072-061-048  
PROJECT NO: C11-0067

FILE NO: SUB2010-00103  
PARCEL NO: 1

**EXHIBIT A**  
Conditions

**DRAFT**

**CONDITIONS TO BE SET BY THE SAN LUIS OBISPO COUNTY SUBDIVISION REVIEW BOARD**

APN(S): 072-061-048  
PROJECT NO: C11-0067

FILE NO: SUB2010-00103  
PARCEL NO: 1

**EXHIBIT B**  
Legal Description

**DRAFT**

The Southeast one-quarter of the Southeast one-quarter of Section 22, Township 29 South, Range 18 East, Mount Diablo Base and Meridian, in the County of San Luis Obispo, State of California, according to Official Plat thereof.

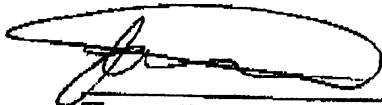
**DEVELOPER'S STATEMENT  
CONDITIONAL CERTIFICATE OF COMPLIANCE  
SIMPSON/FIRST SOLAR INC.  
C11-0067/SUB2010-00103**

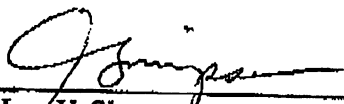
The applicant proposes and agrees to incorporate conservation commitments into the conditions of the Certificate of Compliance that will aid in the preservation of the property. These conditions will become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. These conditions shall be perpetual and run with the land. These conditions are binding on all successors in interest of the subject property beginning at the time of the recordation of the Certificate of Compliance.


The primary purpose of these conditions is to maintain or restore the property to natural conditions in an effort to preserve wildlife habitat and biodiversity.

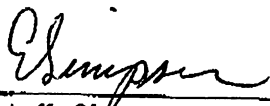
In order to meet these conditions applicant agrees to record an Open Space /Conservation Easement over the land which will be drafted in consultation with County staff and include adequate language to meet the intent of the conditions including, but not limited to, limiting the amount of development allowed in the future.

Signature of Owner:

  
\_\_\_\_\_  
Thomas E. Simpson

  
\_\_\_\_\_  
Jean V. Simpson

  
\_\_\_\_\_  
Richard E. Simpson

  
\_\_\_\_\_  
Estrella Simpson



# PLANNING & CONSULTING

June 8, 2011

SLO CO Dept of Planning and Building  
976 Osos Street  
San Luis Obispo, CA 93408

Attn: Jo Manson

Re: Conditional Certificate of Compliance Application – Simpson, 072-061-048

Jo,

Enclosed please find the following:

- General Application Form
- Check in the amount of \$5,845.00
- Certificate of Compliance Application
- Chain of Title summary spreadsheet
- Supporting documentation
- Preliminary Title Report

The subject property was part of an original patent to William S. Chapman, August 10, 1869, BLM reference #2115. The property was subsequently conveyed together with other properties until June of 1976 when the subject parcel was conveyed separate from surrounding property.

Thank you,

Tami Poe

**Tami Poe - Land Use Planning & Consulting**  
P.O. BOX 3221 - Atascadero CA - 93423  
(805)835-8570 cell - tamipoe@charter.net

# GENERAL APPLICATION FORM

San Luis Obispo County Department of Planning and Building

File No SUB 2010-00103

C11-0067

## APPLICATION TYPE - CHECK ALL THAT APPLY

- |                                               |                                                               |                                                          |                                    |
|-----------------------------------------------|---------------------------------------------------------------|----------------------------------------------------------|------------------------------------|
| <input type="checkbox"/> Public Lot           | <input type="checkbox"/> Lot Line Adjustment                  | <input type="checkbox"/> Parcel Map                      | <input type="checkbox"/> Tract Map |
| <input type="checkbox"/> Receiving Site       | <input type="checkbox"/> Sending Site                         | <input type="checkbox"/> Road Abandonment                | <input type="checkbox"/> Road Name |
| <input type="checkbox"/> Reversion to Acreage | <input type="checkbox"/> Reconsideration                      | <input type="checkbox"/> Condominium (new or conversion) |                                    |
| <input type="checkbox"/> Voluntary Merger     | <input checked="" type="checkbox"/> Certificate of Compliance |                                                          |                                    |

## APPLICANT INFORMATION

 Check box for contact person assigned to this project

Landowner Name Thomas & Jean Simpson Daytime Phone \_\_\_\_\_  
Mailing Address Richard & Estrella Simpson Zip Code 93455  
Email Address: 876 Melinda Court, Santa Maria, CA

Applicant Name First Solar, Inc. Daytime Phone \_\_\_\_\_  
Mailing Address 1111 Broadway, 4th Floor, Oakland, CA Zip Code 94607  
Email Address: \_\_\_\_\_

Agent Name Tami Poe Daytime Phone 805-835-8570  
Mailing Address PO Box 3221, Atascadero, CA Zip Code 93423  
Email Address: tamipoe@charter.net

## PROPERTY INFORMATION

Total Size of Site: 40 ac Assessor Parcel Number(s): 072-061-048  
Legal Description: SE 1/4 of the SE 1/4 of Section 22, Township 29 South, Range 18 East, MDM  
Address of the project (if known): \_\_\_\_\_  
Directions to the site (including gate codes) - describe first with name of road providing primary access to the site, then nearest roads, landmarks, etc.: Highway 58

Describe current uses, existing structures, and other improvements and vegetation on the property:  
AG - grazing land

## PROPOSED PROJECT

Describe the proposed project (incl. size of all proposed parcels): One (1) Conditional Certificate of Compliance for 40 Acres.

## LEGAL DECLARATION

I, the owner of record of this property, have completed this form accurately and declare that all statements here are true. I do hereby grant official representatives of the county authorization to inspect the subject property.

Property owner signature Tami Poe Date 6/8/11

### FOR STAFF USE ONLY

Minimum Parcel Size: 320  sq. feet  acres  by PAS?  by Ordinance?

# CONSENT OF LANDOWNER

San Luis Obispo County Department of Planning and Building

File No SUB 2010-00103

I (we) the undersigned owner of record of the fee interest in the parcel of land located at (print address):

072-061-048, identified as Assessor Parcel Number 072-061-048, for which a construction permit, land use permit, land division, general plan or ordinance amendment, or LAFCo application referral is being filed with the county requesting an approval for: **Conditional Certificate of Compliance** (specify type of project, for example: addition to a single family residence; or general plan amendment), do hereby certify that:

1. Such application may be filed and processed with my (our) full consent, and that I (we) have authorized the agent named below to act as my (our) agent in all contacts with the county and to sign for all necessary permits in connection with this matter.
2. I (we) hereby grant consent to the County of San Luis Obispo, its officers, agents, employees, independent contractors, consultants, sub-consultants and their officers, agents, and employees to enter the property identified above to conduct any and all surveys and inspections that are considered appropriate by the inspecting person or entity to process this application. This consent also extends to governmental entities other than the county, their officers, agencies, employees, independent contractors, consultants, sub-consultants, and their officers agents or employees if the other governmental entities are providing review, inspections and surveys to assist the county in processing this application. This consent will expire upon completion of the project.
3. If prior notice is required for an entry to survey or inspect the property. Please contact:  
Print Name: \_\_\_\_\_  
Daytime Telephone Number: \_\_\_\_\_
4. I (we) hereby give notice of the following concealed or unconcealed dangerous conditions on the property \_\_\_\_\_

## Person or entity granting consent:

Print Name: Richard and Estrella Simpson  
Print Address: 876 Melinda court Santa maria ca 93455  
Daytime Telephone Number: (805) 937-4147  
Signature of landowner: Richard E Simpson Date: 5/24/11  
Simpson 5/24/11

## Authorized agent:

Print Name: Tami Poe - Land Use Planner & Consultant  
Print Address: P.O. Box 3221, Atascadero, CA 93423  
Daytime Telephone Number: (805) 835-8570  
Signature of authorized agent: Tami Poe Date: 5/31/11

# CERTIFICATE OF COMPLIANCE APPLICATION

San Luis Obispo County Department of Planning and Building

File No SUB 2010-00103

## Project Information:

Number of existing lots or parcels: 1 Existing parcel sizes: 40 ac

Number of lots, parcels, certificates or merged parcel requested: 1

Is the property part of a previous subdivision that you filed?  Yes  No

If Yes, what was the map number:  Tract No: \_\_\_\_\_  CO \_\_\_\_\_  COAL \_\_\_\_\_

Have you reviewed county records to determine if the subject property has ever been the subject of:  
a recorded certificate of compliance or a recorded map?  Yes  No  
Building permits or other approval?  Yes  No

If you answered Yes to either question, please provide copies of all applicable materials.

## For Conditional Certificates of Compliance only, please answer the following questions:

**Surrounding parcel ownership:** Do you own adjacent property?  Yes  No  
If yes, what is the acreage of all property you own that surrounds the project site? \_\_\_\_\_

**Describe existing access** to the proposed project site: \_\_\_\_\_  
Highway 58 East to Tracy Lane, north then east on Tracy Lane

**Surrounding land use:** What are the uses of the land surrounding your property (when applicable, please specify all agricultural uses):

North: Ag - grazing/cropland South: Ag - grazing/cropland

East: Ag - grazing/cropland West: Ag - grazing/cropland

**Proposed water source:**  On-site well  Shared well  Other N/A

Community System - List the agency or company responsible for provision: \_\_\_\_\_

Do you have a valid will-serve letter?  Yes (If yes, please submit copy)  No

**Proposed sewage disposal:**  Individual on-site system  Other N/A

Community System - List the agency or company responsible for sewage disposal: \_\_\_\_\_

Do you have a valid will-serve letter?  Yes (If yes, please submit copy)  No

**Fire Agency:** List the agency responsible for fire protection: CalFire

**List available or proposed utilities:**  Gas  Telephone  Electricity  Cable TV

# ENVIRONMENTAL DESCRIPTION FORM

San Luis Obispo County Department of Planning and Building

File No SUB2010-00103

The California Environmental Quality Act (CEQA) requires all state and local agencies to consider and mitigate environmental impacts for their own actions and when permitting private projects. The Act also requires that an environmental impact report (EIR) be prepared for all actions that may significantly affect the quality of the environment. The information you provide on this form will help the Department of Planning and Building determine whether or not your project will significantly affect the quality of the environment.

**To ensure that your environmental review is completed as quickly as possible, please remember to:**

- a. Answer **ALL** of the questions as accurately and completely as possible.
- b. Include any additional information or explanations where you believe it would be helpful or where required. Include additional pages if needed.
- c. If you are requesting a land division or a re-zoning, be sure to include complete information about future development that may result from the proposed land division or rezoning.
- d. Include references to any reports or studies you are aware of that might be relevant to the questions asked or the answers you provide.

Should a determination be made that the information is inaccurate or insufficient, you will be required to submit additional information upon request.

## Physical Site Characteristic Information

**Your site plan will also need to show the information requested here:**

- 1. Describe the topography of the site:  
Level to gently rolling, 0-10% slopes: 40 +/- acres  
Moderate slopes of 10-30%: \_\_\_\_\_ acres  
Steep slopes over 30%: \_\_\_\_\_ acres
- 2. Are there any springs, streams, lakes or marshes on or near the site?  Yes  No  
If yes, please describe: \_\_\_\_\_
- 3. Are there any flooding problems on the site or in the surrounding area?  Yes  No  
If yes, please describe: \_\_\_\_\_
- 4. Has a drainage plan been prepared?  Yes  No  
If yes, please include with application.
- 5. Has there been any grading or earthwork on the project site?  Yes  No  
If yes, please explain: \_\_\_\_\_
- 6. Has a grading plan been prepared?  Yes  No  
If yes, please include with application.
- 7. Are there any sewer ponds/waste disposal sites on/adjacent to the project?  Yes  No
- 8. Is a railroad or highway within 300 feet of your project site?  Yes  No
- 9. Can the proposed project be seen from surrounding public roads?  Yes  No  
If yes, please list: Highway 58 & Bitterwater Road



**Solid Waste Information**

N/A

1. What type of solid waste will be generated by the project?  
 Domestic     Industrial     Agricultural     Other, please explain? \_\_\_\_\_
2. Name of Solid Waste Disposal Company: \_\_\_\_\_
3. Where is the waste disposal storage in relation to buildings? \_\_\_\_\_
4. Does your project design include an area for collecting recyclable materials and/or composting materials?     Yes     No

**Community Service Information**

1. Name of School District: Atascadero Unified School District
2. Location of nearest police station: CHP
3. Location of nearest fire station: CalFire - Santa Margarita
4. Location of nearest public transit stop: N/A
5. Are services (grocery/other shopping) within walking distance of the project?     Yes     No  
 If yes, what is the distance? \_\_\_\_\_ feet/miles

**Historic and Archeological Information**

1. Please describe the historic use of the property: Ag - grazing and cropland
2. Are you aware of the presence of any historic, cultural or archaeological materials on the project site or in the vicinity?     Yes     No  
 If yes, please describe: \_\_\_\_\_
3. Has an archaeological surface survey been done for the project site?     Yes     No  
 If yes, please include two copies of the report with the application.

**Agricultural Information**

**Only complete this section if your site is: 1) Within the Agricultural land use category, or 2) currently in agricultural production.**

1. Is the site currently in Agricultural Preserve (Williamson Act)?     Yes     No
2. If yes, is the site currently under land conservation contract?     Yes     No
3. If your land is currently vacant or in agricultural production, are there any restrictions on the crop productivity of the land? That is, are there any reasons (i.e., poor soil, steep slopes) the land cannot support a profitable agricultural crop? Please explain in detail: \_\_\_\_\_

**Special Project Information**

1. Describe any amenities included in the project, such as park areas, open spaces, common recreation facilities, etc.(these also need to be shown on your site plan): None
2. Will the development occur in phases?     Yes     No  
 If yes describe: \_\_\_\_\_
3. Do you have any plans for future additions, expansion or further activity related to or connected with this proposal?     Yes     No    If yes, explain: \_\_\_\_\_
4. Are there any proposed or existing deed restrictions?     Yes     No

If yes, please describe: \_\_\_\_\_

**Energy Conservation Information**

1. Describe any special energy conservation measures or building materials that will be incorporated into your project \*: N/A

\*The county's Building Energy Efficient Structures (BEES) program can reduce your construction permit fees. Your building must exceed the California State Energy Standards (Title 24) in order to qualify for this program. If you are interested in more information, please contact the Building Services Division of the Department of Planning and Building at (805) 781-5600.

**Environmental Information**

1. List any mitigation measures that you propose to lessen the impacts associated with your project:  
No impacts associated with application.

2. Are you aware of any unique, rare or endangered species (vegetation or wildlife) associated with the project site?  Yes  No

If yes, please list: Kit Fox Habitat

3. Are you aware of any previous environmental determinations for all or portions of this property?  Yes  No

If yes, please describe and provide "ED" number(s): See EIR for Topaz Solar Project

**Other Related Permits**

1. List all permits, licenses or government approvals that will be required for your project (federal, state and local): None

(If you are unsure if additional permits are required from other agencies, please ask a member of the Planning Department staff currently assigned in either Current Planning or the Environmental Division.)

# INFORMATION DISCLOSURE FORM

San Luis Obispo County Department of Planning and Building

File No SUB 2010-00103

**TIME LIMITS FOR PROCESSING AND PUBLIC NOTICE DISTRIBUTION REQUIREMENTS** - California state law (California Government Code Section 65941.5) requires that the county provide the following information to applicants, when a permit application is filed:

Not later than 30 days after a land use or land division application is received, the county must notify the project applicant or designated representative in writing either that the application is complete, or that items are necessary to complete the application. If you are not notified in writing, the application is considered complete. Any land use or land division application must be approved or denied within three months of adoption of the Negative Declaration or determination that the project is exempt, or within six months of the certification of an Environmental Impact Report. The County of San Luis Obispo processes the land use application and the environmental review concurrently, so these decisions are made simultaneously. (Government Code Sections 65943 and 65950, et seq.)

A project applicant may make a written request to the county to receive notice of any proposal to adopt or amend the general plan and the land use, real property division, building and construction, road name and addressing, and growth management ordinances which might reasonably be expected to affect that applicant's project. The county offers a subscription service for notification of either: (1) all applications received by the county, or (2) Planning Commission agendas. The cost for each of these services is established by the county fee ordinance. (Government Code Sections 65945, 65945.3 and 65945.5)

When a property was created through recordation of a final or parcel map, and it is within five years of recordation, the county cannot withhold or condition the issuance of building permits for residential units based on conformance with conditions that could have been imposed as conditions of the tentative map, except where: (1) A failure to do so would place subdivision residents or residents in the immediate area in a condition perilous to health, safety or both; or (2) The condition is required in order to comply with state or federal law. (Government Code Section 65961)

Copies of Government Code Sections are available at the County of San Luis Obispo Law Library, County Government Center, San Luis Obispo, California.

**RIGHT TO FARM DISCLOSURE** - The County of San Luis Obispo recognizes the statewide policy to protect and encourage Agriculture. Sections 3482.5 and 3482.6 of the California Civil Code and Chapter 5.16. of the San Luis Obispo County Code protect certain, pre-existing agricultural production and processing operations ("agricultural operation") from nuisance claims. If your property is near a protected agricultural operation, you may be subject to certain inconveniences and/or discomforts which are protected by law. In order for the agricultural operation to be protected, the following requirements of Civil Code Sections 3482.5 and 3482.6 must be satisfied:

(1) The agricultural operation must be conducted or maintained for commercial purposes; (2) The agricultural operation must be conducted or maintained in a manner consistent with proper and accepted customs and standards as established and followed by similar agricultural operations in the same locality; (3) The agricultural operation predated the affected use(s) on your property; (4) The agricultural operation has been in existence for more than three years; and (5) The agricultural operation was not a nuisance at the time it began.

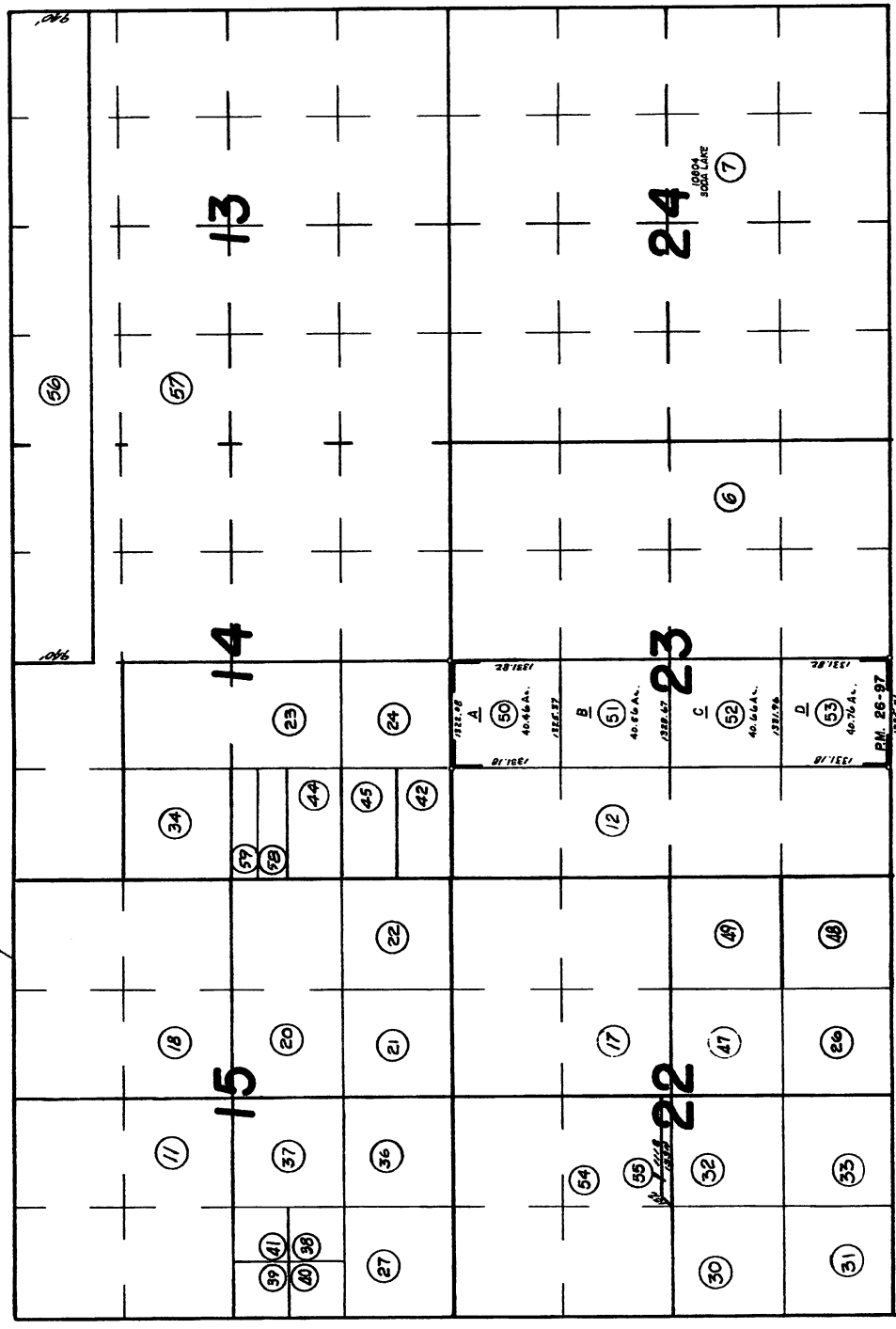


Simpson

TAX AREA CODE NO. 72-06

02

T. 29 S., R. 18 E., M. D. M.



07

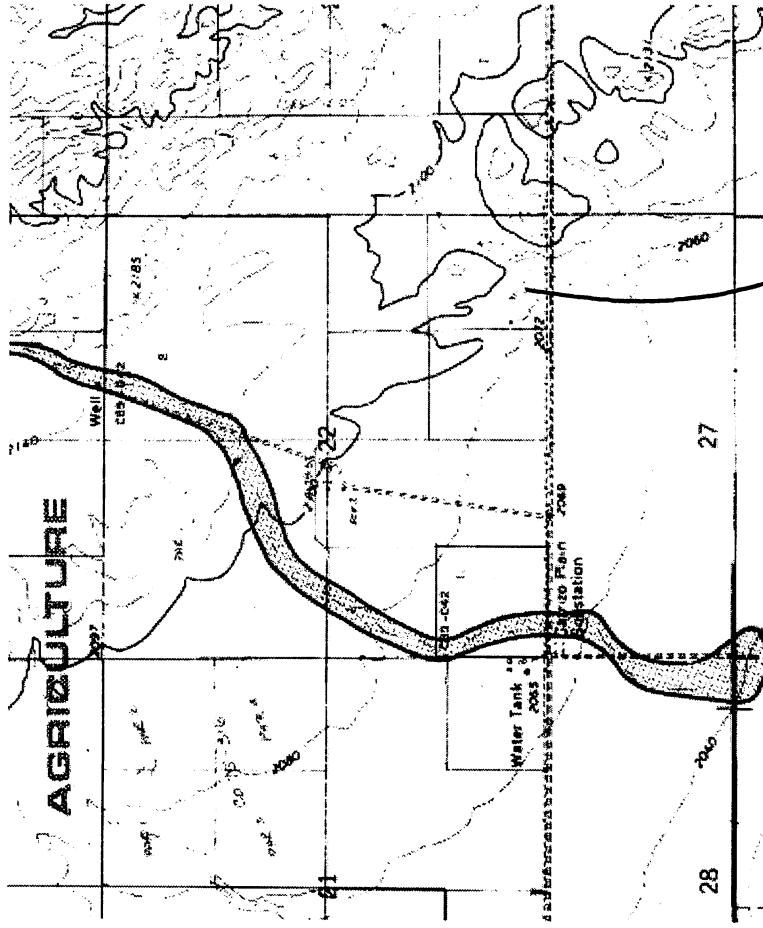
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Rev. 12-19-80  
8-12-85

NOTE : ASSESSOR'S BLOCK & LOT  
NUMBERS SHOW IN CIRCLES.  
THIS MAP IS FOR ASSESSMENT PURPOSES ONLY.

SAN LUIS OBISPO COUNTY  
CALIFORNIA



SITE