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SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

**TO:** **SUBDIVISION REVIEW BOARD**

**FROM:** **ANDREA MILLER, COUNTY PLANNING**

**DATE:** **JUNE 6, 2005**

**SUBJECT:** **CARLON CONDITIONAL CERTIFICATE OF COMPLIANCE (S030174C - C03-416)**

## DISCUSSION

This item was before the Board for a public hearing on May 2, 2005. During the hearing, the Board considered the staff presentation and took testimony from both the applicant and the public. After some discussion, the Board then voted to continue the item to June 6th to allow staff to return with a site plan before a decision is made considering the project.

If your Board decides to approve this project, staff recommends the following modifications and additions to the conditions of approval in Exhibit B. The new conditions are noted below:

Condition #1C
Provide neighborhood circulation access by a 10 foot wide easement access along the South side of partial lot 73 and a 10 foot wide easement access along the North side of partial lot 74.

Condition #16
That the owner of partial Lots 65, 66, and 67 (Certificates No. 1, 2 and 3) must within 30 days of the effective date of this approval either reduce the fence to 3 feet in height and relocate any portion out of the County owned portion of Honeygrove Lane or relocate the fence back onto the property to comply to a front yard setback of 25 feet from the edge of the County owned property on Honeygrove Lane. Or, if the owner wishes to enter into a Covent and Agreement to hold all three of the lots as a single building site shifting the front setback to Story Street, then upon the Recording of the Covent and Agreement the owner must relocate the fence back onto her lot, 10 feet from the edge of the County owned property on Honeygrove Lane, and be given 30 days to complete that relocation. Please note that the end of the fence would have to comply with the 25 foot front yard from Story Street.

Conditions #19 to #39
Stock Community Sewer and Water conditions

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

## SUBDIVISION REVIEW BOARD

*Promoting the wise use of land*
*Helping build great communities*

| MEETING DATE | CONTACT/PHONE | APPLICANT | FILE NO. |
|---|---|---|---|
| June 6, 2005 | Andrea Miller<br>805/781-4171 | Rosemary Carlon, et. al. | C03-0416<br>S030174C |

SUBJECT
Proposal by Rosemary Carlon, et. al. for ten Conditional Certificates of Compliance for 10 lots approximately 10,500 square foot each. The project is located along Honeygrove Lane between Story and Southland Streets, in the community of Nipomo in the South County planning area.

RECOMMENDED ACTION
1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.

2. Approve ten Conditional Certificate of Compliance C03-0416 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.

ENVIRONMENTAL DETERMINATION
The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on March 28, 2005 for this project. Mitigation measures are proposed to address *Air Quality, Public Services/Utilities and Transportation/Circulation* and are included as conditions of approval.

| LAND USE CATEGORY | COMBINING DESIGNATION | ASSESSOR PARCEL NUMBER | SUPERVISOR DISTRICT(S) |
|---|---|---|---|
| Residential Single Family | None | 092-321-022, 024, 027 to 032 | 4 |

PLANNING AREA STANDARDS:
None Applicable

LAND USE ORDINANCE STANDARDS:
None Applicable

EXISTING USES:
Two single family residences with the remainder undeveloped.

SURROUNDING LAND USE CATEGORIES AND USES:
*North:* Residential Single Family / residence *South:* Residential Single Family / residence
*West:* Residential Single Family / residence *East:* Residential Single Family / residence

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:
The project was referred to: Public Works, Parks Department, Pac Bell, Charter Cable TV, PG&E, So. California Gas, Postal Service, Environmental Health, CDF, Nipomo Community Advisory Council and Nipomo Community Services District (NCSD).

TOPOGRAPHY:
Gently sloping

VEGETATION:
Grasses

PROPOSED SERVICES:
Water supply: Community system
Sewage Disposal: Community sewage disposal system
Fire Protection: CDF

ACCEPTANCE DATE:
December 16, 2004

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**PLANNING AREA STANDARDS:**

None applicable based on the date the applicants acquired their interest in the property. However, today's standards require the minimum building site area to be one acre for the Southland Tract A, until community sewage disposal is available.

**LAND USE ORDINANCE STANDARDS:**

*Minimum Parcel Size*
Section 22.04.028 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Residential Single Family land use category. The standards are based on the type of access serving the property, the topography of the site, and the type of water supply and sewage disposal. Minimum parcel size is based on the largest parcel size as calculated by tests. The proposed parcels meet all requirements for 6,000 square foot parcels as follows:

| TEST | STANDARD | MINIMUM PARCEL SIZE |
|---|---|---|
| Access | Located on a local street | 6,000 square feet |
| Slope | Average slope is between 0 and 15% | 6,000 square feet |
| Water Supply and Sewage Disposal | Community Water and Sewer | 6,000 square feet |

LEGAL LOT STATUS:

The applicants (See page 3 for a full list of co-applicants by parcel) are requesting ten (10) conditional certificates of compliance for ten (10) 10,560 square foot parcels that were originally portions of Lots 65, 66, 67, 68, 69, 70, 71, 72, 73 and 74 in Block A of the Southland Tract that was recorded September 12, 1911 in Book 1, Page 25 of Maps.

The northerly portions of the subject lots (APNS: 092-321-025, -026, -033, -034 and –035) were granted certificates of compliance, C77-0053, S770036C. Ten (10) regular certificates of compliance were recorded on July 7, 1978 on one (1) certificate document, 2084 OR 243. Applicable deed history is as follows:

**January 3, 1949 – 523 OR 499** – Deed from Sanders to Albert Ybarra and Trina Martinez for the northeasterly 320 feet of Lots 65 to 74. This area includes both the project parcels as well as the 10 certificate parcels under C77-0053.

**April 10, 1951 – 605 OR 185 –** Deed from Trina and Virginia Martinez to Albert Ybarra for the northeasterly 320 feet of Lots 70 to 74. This area includes APNS: 092-321-029 through 092-321-035 of which project parcels are –029 through –032.

**April 10, 1951 – 605 OR 186 –** Deed from Albert and Margaret Ybarra to Trina Martinez for the northeasterly 320 feet of Lots 65 to 69. This area includes APNS: 092-321-029 through 092-321-035 of which project parcels are –029 through –032.

**July 29, 1955 – 813 OR 44 –** Deed from Trina Martinez to Maria Martinez for the northeasterly 320 feet of Lots 65 to 69. This area includes APNS: 092-321-029 through 092-321-035 of which project parcels are –029 through –032.

**October 5, 1962 – 1217 OR 704** – Deed to County of SLO for non-payment of taxes = Southwesterly 10 ft of Lots 65 to 74 and the Northeasterly 10 feet of Lots 107 to 116 (APN: 092-321-005).

**February 1, 1971 – 1604 OR 773 recorded February 11, 1971** (correcting court order to correct legal description – **1632 OR 267** recorded September 16,1971)– Superior Court order settling the Estate of Maria Martinez, Deceased. Transferred the following property:

To Margaret Ybarra (**1604 OR 776** – recorded February 11, 1971, correcting deed per **1633 OR 430** recorded 9/22/1971)– The Southeasterly 160 feet of Lots 65, 66, 67, 68 and 69. In exchange for a deed from Margaret Ybarra to the estate of Martinez for the following property **(1604 OR 775)**: The Northeasterly 160 feet of Lots 70, 71, 72, 73 and 74.

This deed transaction was a violation of the County's Lot Division Ordinance and State Subdivision Map Act because lots of less than three acres could not be created after October 12, 1960 (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 lots were not legally created.

Ever since 1929, the State Subdivision Map Act has prohibited the creation of more than 5 parcels by deed by any given individual within a single year. These 10 Lots are part of 20 lots that were created by this court order.

Several intervening deeds occurred with ownership changes for the project parcels. The current ownerships and the current co-applicants are as follows by APN:

**APN: 092-321-028**: Maximo J. Carlon and Rosemary Carlon per deed, 3278 OR 514 (recorded March 7, 1989); Rosemary Carlon acquired her interest per court order 2663 OR 916 (recorded 12/27/1984).

**APN: 092-321-027**: Maximo J. Carlon and Rosemary Carlon per deed, 3267 OR 779 (recorded February 10, 1989).

**APN: 092-321-022**: Miguel and Maria D. Diaz per deed, 2040 OR 829 (recorded January 18, 1978).

**APN: 092-321-024**: Juanita Ybarra per deed, 3542 OR 703 (recorded July 11, 1990).

**APN: 092-321-029**: Juanita J. Ybarra per deed, 2002-007060 (recorded January 28, 2002).

**APN: 092-321-030**: Heirs of Albert M. Ybarra c/o Genoveva Ybarra per court order to Mr. Ybarra, 2663 OR 918 (recorded 12/27/1984), Mr. Ybarra DOD 9/29/88 per 1989-I-001661 (effective 9/29/1988).

**APN: 092-321-031**: Irene Y. Castillo per deed, 2003-064686 (recorded June 16, 2003).

**APN: 092-321-032:**
Rosemary Carlon per court order, 2663 OR 916 (recorded December 27, 1984).

Irene Y. Castillo per deed, 2003-064689 (recorded June 16, 2003).

Heirs of Albert M. Ybarra c/o Genoveva Ybarra per court order to Mr. Ybarra, 2663 OR 918 (recorded 12/27/1984), Mr. Ybarra DOD 9/29/88 per 1989-I-001661 (effective 9/29/1988).

Paul M. Ybarra per court order to Mr. Ybarra, 2663 OR 918 (recorded 12/27/1984).

Juanita Ybarra per deed **2002-007059** (recorded January 28, 2002).

Pursuant to the Subdivision Map Act, the parcels should comply with the subdivision standards in effect on the date that that the property owners acquired their interest in the properties.

We approved and recorded ten (10) conditional certificates of compliance for APN: 092-321-002, which is a portion of Lots 107 through 116 of Block A of the Southland Tract. This project, C03-0089 (S020317C), is directly south of the current project, C03-0416. **Larry Kelly has coordinated with Public Works and they have reached agreement that the same effective date for C03-0089, February 13, 1985, can be used for C03-0416 for road improvements to assure uniform road standards for his road.**

COMMUNITY ADVISORY GROUP COMMENTS:
**Nipomo Community Advisory Council** - No comments received.

AGENCY REVIEW:
**Public Works** –Suggest the same conditions be placed on this application as on C03-0089, the project on the other side of Honeygrove Lane. This will assure uniform improvement standards on this section of the road.
**Nipomo Community Services District** – Property owners need to submit application to NCSD.
**Parks Department**- Require quimby fees for the creation of one residential lot.
**CDF** – The owner shall meet the minimum fire and life safety requirements of the California Fire Code (1998 edition) with amendments.
**Environmental Health** - No comments received
**Pac Bell** - No comments received
**So. California Gas** - No comments received
**Postal Service** - No comments received
**Charter Cable TV** - No comments received
**PG&E** - No comments received

Staff report prepared by Andrea Miller
Reviewed by Larry Kelly, Senior Planner

**FINDINGS - EXHIBIT A**

**Environmental Determination**

A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on March 28, 2005, for this project. Mitigation measures are proposed to address air quality, public service/utilities, and transportation/circulation, and are included as conditions of approval.

**Conditional Certificate of Compliance**

B. These parcels were created in 1949 by deed transfer at a time when a map was required to be recorded to create parcels and therefore were not created in compliance with the Subdivision Map Act and local ordinances in effect at the time, which requires conditional certificates of compliance.

C. Pursuant to the Subdivision Map Act, the parcels are required to comply with the subdivision standards in effect on the date that that the property owners acquired their interest in the properties.

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## CONDITIONS - EXHIBIT B

**Approved Project**

This approval recognizes 10 parcels created in violation of local and state ordinances for sale or development. The parcels are approximately 10,500 square feet each.

**Access and Improvements**

1. Prior to issuance of construction permits on any of the lots, roads and/or streets to be constructed to the following standards:

   A. Honeygrove Lane constructed to complete to Figure 7 Minor Residential Street per San Luis Obispo County Ordinance Code 9-032 (1965) to a full width improvement fronting the property.

   B. The owners of each individual lot shall grant the County a 25-foot Right of Way fronting the individual properties to complete a 50-foot Right of Way section.

   C. Provide neighborhood circulation access by a 10 foot wide easement access along the South side of partial lot 73 and a 10 foot wide easement access along the North side of partial lot 74.

2. Prior to issuance of construction permits on the lot, additional Offer of Dedication to the public by separate document: A 20-foot radius property line return at the intersection of Honeygrove Lane and Story Street. (Applies to certificate 1(lot 65) only)

**Improvement Plans**

3. Prior to issuance of construction permits on any of the lots, improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Heath Department for approval. The plans to include:
   A. Street plan and profile.
   B. Drainage ditches, culverts, and other structures (if drainage calculations require).
   C. Water plan (County Health).
   D. Sewer plan (County Health).
   E. Grading and erosion control plan for subdivision related improvement locations.
   F. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.

4. The applicant shall enter into an agreement with the county for cost of checking, the improvement plans, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

5. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

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**Drainage**

6. Prior to issuance of construction permits on any of the lots, the applicant shall submit complete drainage calculations to the Department of Public Works for review and approval.

7. If calculations so indicate, drainage must be retained in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards.

8. If a drainage basin is required, the drainage basin along with rights of ingress and egress be offered for dedication to the public with an additional easement reserved in favor of the owners and assigns.

**Miscellaneous**

9. Prior to issuance of construction permits on any of the lots, the applicant shall obtain a will serve letter from the Nipomo Community Services District for community water and sewer service for each lot.

10. Community water shall be obtained from the Nipomo Community Services District.

11. Operable water facilities from an approved community water source shall be assured prior to development of the parcel. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcel created. Water main extensions, laterals to the parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.

12. Sewer service shall be obtained from the Nipomo Community Services District.

13. Prior to development of the parcel, a "final will serve" letter be obtained and submitted to the county Health for review and approval stating that community sewer system service is immediately available for connection to the parcels created.

14. Prior to development of any property, partial lots 65 to 67 shall be tied into the sewer system and the existing septic tanks formally abandoned.

15. The two homes and structures on partial lots 65, 66, and 67 shall be brought into compliance with regulations concerning setbacks, parking, storage of materials and keeping of animals (applies to Certificates 1(lot 65), 2(lot 66), and 3(lot 67)).

16. That the owner of partial Lots 65, 66, and 67 (Certificates No. 1, 2 and 3) must within 30 days of the effective date of this approval either reduce the fence to 3 feet in height and relocate any portion out of the County owned portion of Honeygrove Lane or relocate the fence back onto the property to comply to a front yard setback of 25 feet from the edge of the County owned property on Honeygrove Lane. Or, if the owner wishes to enter into a Covent and Agreement to hold all three of the lots as a single building site shifting the front setback to Story Street, then upon the Recording of the Covent and Agreement the owner must relocate the fence back onto her lot, 10 feet from the edge of the County owned property on Honeygrove Lane, and be given 30 days to complete that relocation.

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Please note that the end of the fence would have to comply with the 25 foot front yard from Story Street.

**Parks and Recreation (Quimby) Fees**

17. **Prior to recordation of the Conditional Certificates of Compliance,** the applicants shall pay the "in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee for three parcels (certificate 6(lot 70), 8(lot 72) and 10(lot74)) shall be paid prior to recording conditional certificates of compliance.

**Affordable Housing Fee**

18. **Prior to recordation of the Conditional Certificates of Compliance,** the applicants shall pay an affordable housing in-lieu fee of 3.5 percent of the adopted public facility fee effective at the time of recording for certificate 6(lot 70), 8(lot 72) and 10(lot 74).

**Community Sewer and Water**

19. Community water and fire protection shall be obtained from the community water system.

20. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.

21. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.

22. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.

23. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an <u>approved</u> cross-connection control device installed at the meter or property line service connection <u>prior to occupancy</u>. (Chapter 8.30, San Luis Obispo County Ordinance)

24. Sewer service shall be obtained from the community sewage disposal system.

25. <u>Prior to the filing of the map</u> a "final will serve" letter be obtained and submitted to the county Health for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of county Public Works and sewer district.

2-10

26. No residential building permits shall be issued until community sewers are operational and available for connection.

27. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.

28. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.

29. Any existing reservoir or drainage swale on the property shall be delineated on the map.

30. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.

31. Required public utility easements shall be shown on the map.

32. Approved street names shall be shown on the map.

33. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.

34. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.

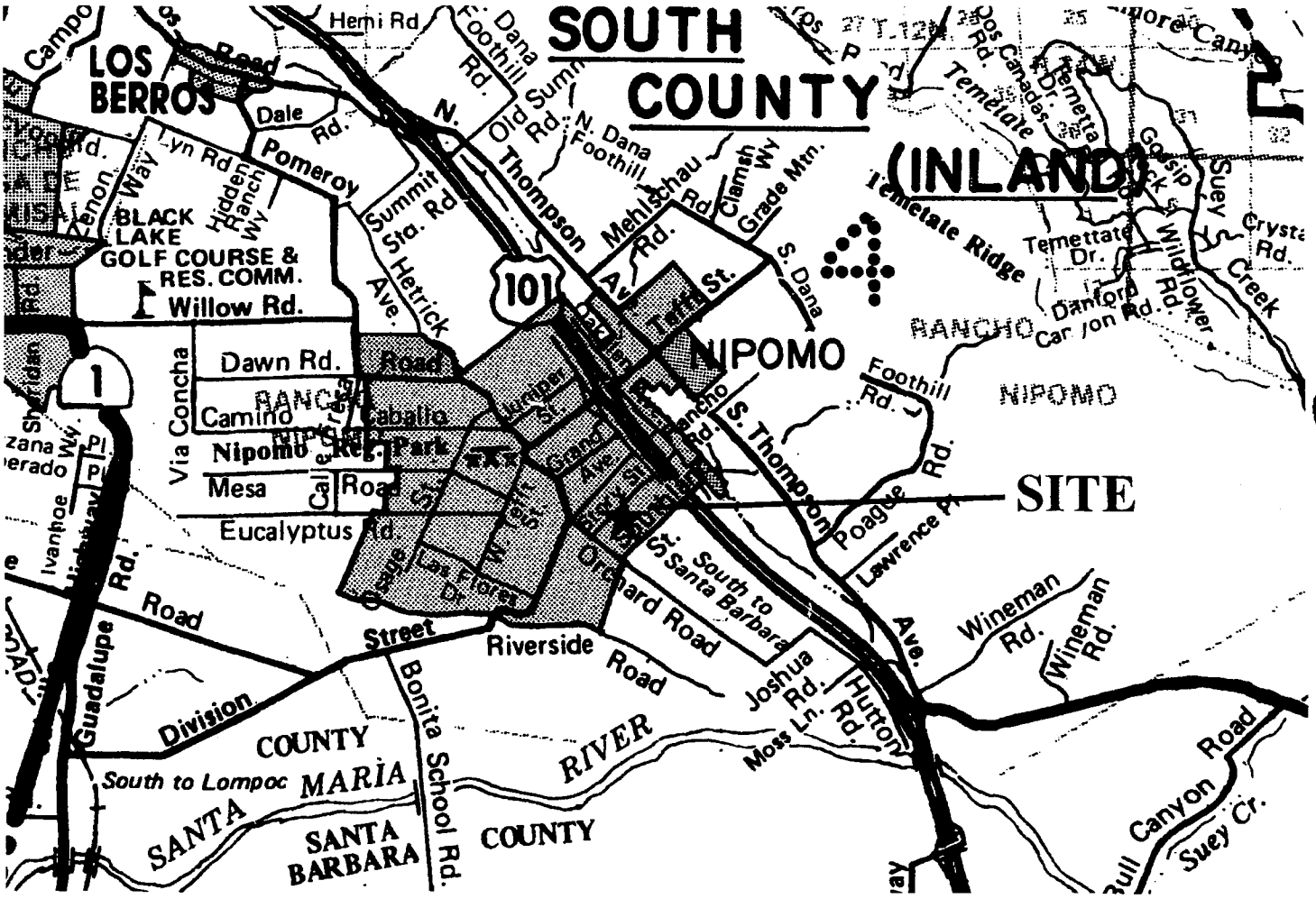
35. Any private easements on the property shall be shown on the map with recording data.

36. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.

37. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.

38. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.

39. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.



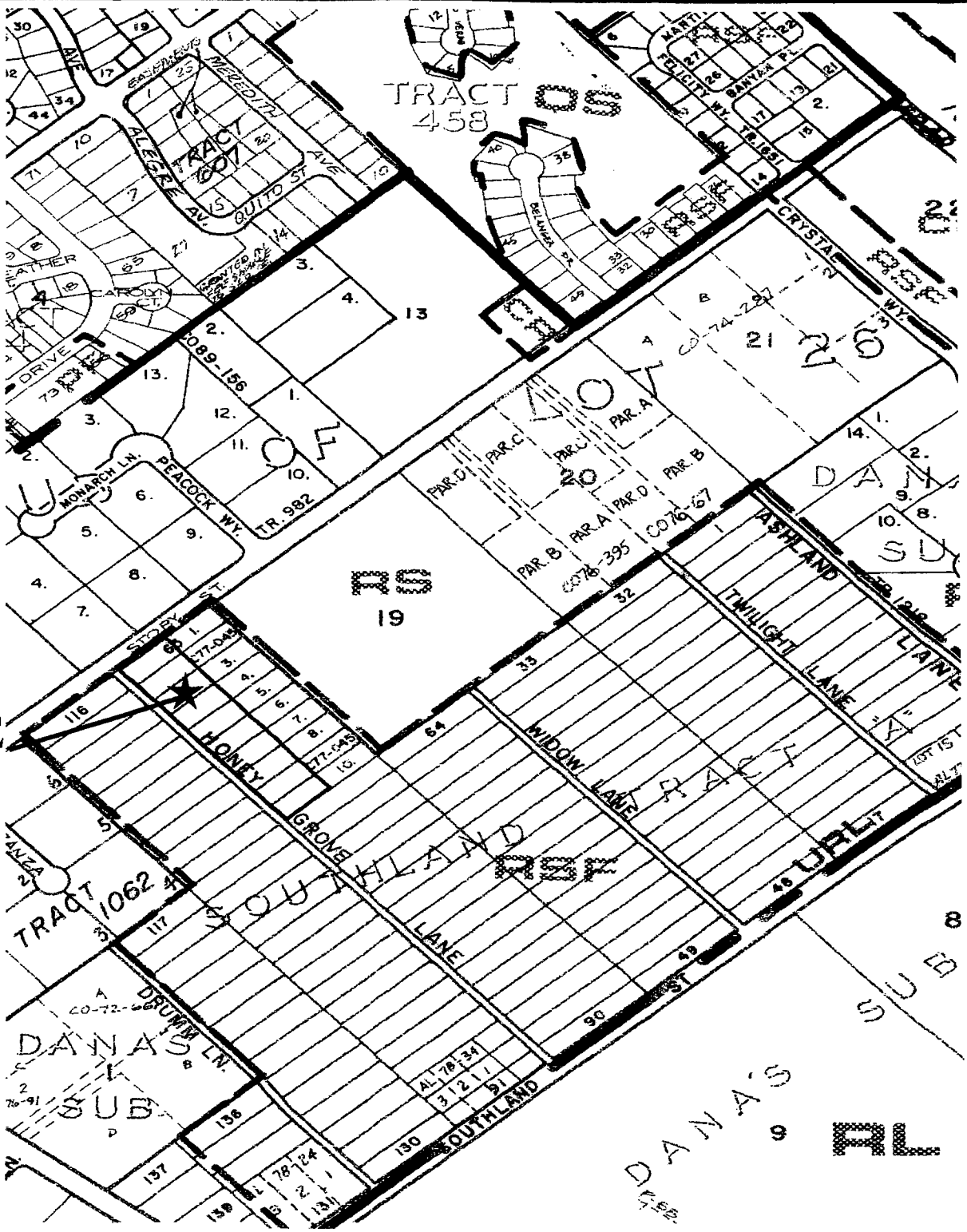

**Carlon**

**S030174C, C03-0416**

***Vicinity Map***

*County of San Luis Obispo Department of Planning & Building*

2-12




**Carlon** ***Landuse Map***

**S030174C, C03-0416**

*County of San Luis Obispo Department of Planning & Building*

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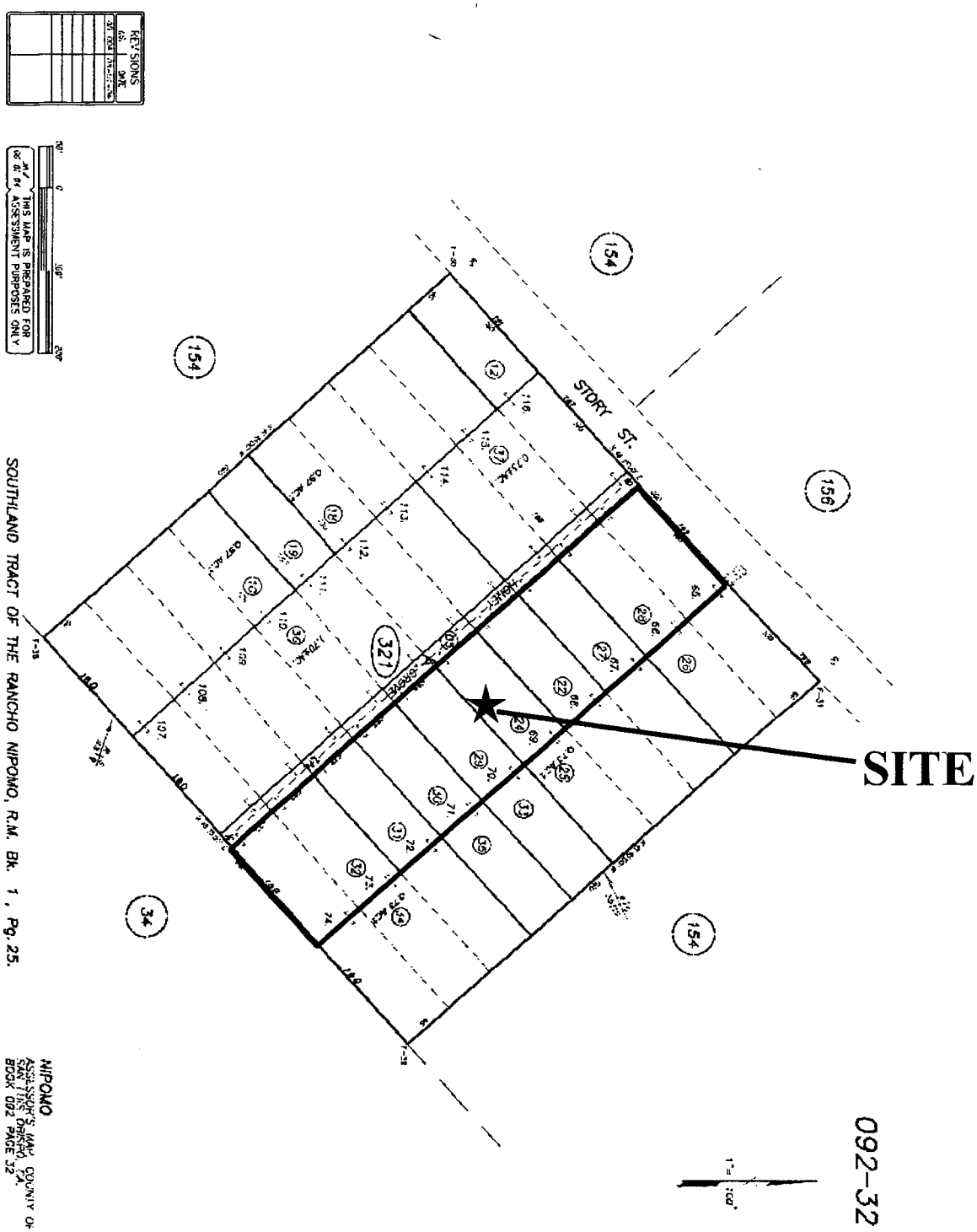


**Carlon** ***Assessor's Parcel Map***

**S030174C, C03-0416**

*County of San Luis Obispo Department of Planning & Building*

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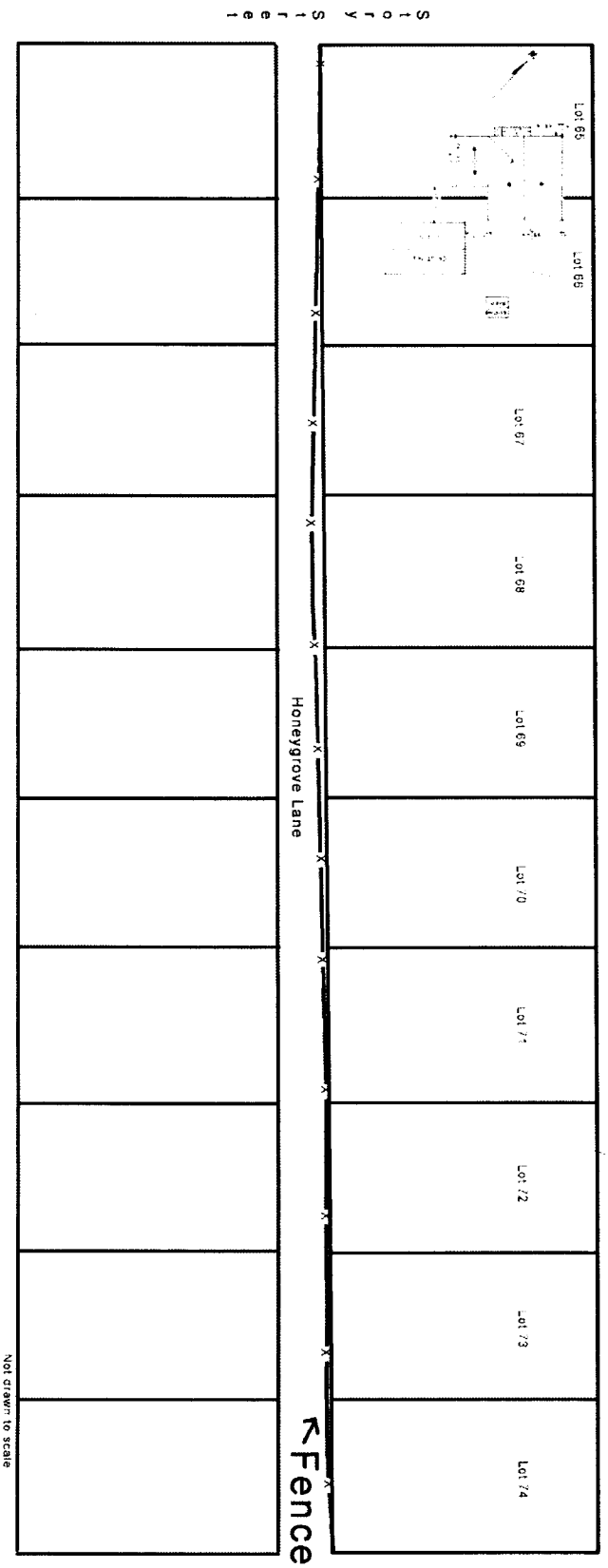


**Carlon** ***Site Plan***

**S030174C, C03-0416**

*County of San Luis Obispo Department of Planning & Building*

AM 2-15

14

11/22

Andrea Miller

## CONDITIONAL CERTIFICATE RE

FILE NUMBER: C03-0416 CARLON

FROM

- [x] Public Works
- [x] CDF or Nipomo Fire District
- [x] Parks Department
- [ ] Cal Trans
- [ ] APCD
- [ ] Dept of Fish & Game
- [x] City of Nipomo
- [x] Pac Bell
- [x] Charter Cable TV
- [x] PG&E
- [x] Environmental
- [ ] Ag Commissioner (in AG)
- [ ] Airport Manager
- [ ] RWQCB
- [x] Nipomo Community Services Dist.
- [x] Nipomo Community Advisory Group
- [x] So Cal Gas
- [x] Postal Service

FROM Larry Kelly & So. County Planner, Department of Planning and Building

Please review the attached information for the above referenced Conditional Certificate of Compliance. Conditions can only be based on the date the applicant acquired their interest in the property.

The date is: Application submitted 11/19/2003.

Please provide conditions that would have applied to a tentative map applied for and approved on the above referenced date.

RESPONSE:

SUGGEST THE SAME CONDITIONS be placed ON THIS application AS ON C 03-0089, THE project ON THE other side of Honey Grove LN. THIS will ASSURE uniform improvement stds ON THIS SECTION of Road.

16 NOV 2004 GOODWIN PHONE 5252

Larry Kelly - 781-5799

Jo Manson - 781-4660

South Co. Team (781-5600 - operator/switchboard)

Andrea Miller...

AM 2-16 ~~PACTB~~ P

14

# CONDITIONAL CERTIFICATE REFERRAL

GENERAL SERVICES
2004 NOV -1 AM 10:06

03-0416 CARLON/(& Neighbors)

| | | | |
|---|---|---|---|
| TO ☒ | Public Works | ☒ | Environmental Health |
| ☒ | CDF or Nipomo Fire District | ☐ | Ag Commissioner (in AG) |
| ☒ | Parks Department | ☐ | Airport Manager |
| ☐ | Cal Trans | ☐ | RWQCB |
| ☐ | APCD | ☒ | Nipomo Community Services Dist. |
| ☐ | Dept of Fish & Game | ☒ | Nipomo Community Advisory Group |
| ☒ | City of Nipomo | ☒ | So Cal Gas |
| ☒ | Pac Bell | ☒ | Postal Service |
| ☒ | Charter Cable TV | | |
| ☒ | PG&E | | |

**FROM**: Larry Kelly & So. County Planner, Department of Planning and Building

Please review the attached information for the above referenced Conditional Certificate of Compliance. Conditions can only be based on the date the applicant acquired their interest in the property.

The date is: Application submitted 11/19/2003.

Please provide conditions that would have applied to a tentative map applied for and approved on the above referenced date.

RESPONSE:

~~No Com~~ Require payment of Quimby fees for the creation of one residential lot.

Larry Kelly - 781-5799
Jo Manson - 781-4660
South Co. Team (781-5600 - operator/switchboard)

AM 2-17

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RECEIVED

NOV 02 2004

COMMUNITY SERVICES DISTRICT

# CONDITIONAL CERTIFICATE REFERRAL

FILE NUMBER: C03-0416 CARLON/(8 Neighbors)

TO

- [x] Public Works
- [x] CDF or Nipomo Fire District
- [x] Parks Department
- [ ] Cal Trans
- [ ] APCD
- [ ] Dept of Fish & Game
- [x] City of Nipomo
- [x] Pac Bell
- [x] Charter Cable TV
- [x] PG&E
- [x] Environmental Health
- [ ] Ag Commissioner (in AG)
- [ ] Airport Manager
- [ ] RWQCB
- [x] Nipomo Community Services Dist.
- [x] Nipomo Community Advisory Group
- [x] So Cal Gas
- [x] Postal Service

FROM: Larry Kelly & So. County Planner, Department of Planning and Building

Please review the attached information for the above referenced Conditional Certificate of Compliance. Conditions can only be based on the date the applicant acquired their interest in the property.

The date is: Application submitted 11/19/2003.

Please provide conditions that would have applied to a tentative map applied for and approved on the above referenced date.

RESPONSE:

Property owner needs to submit application to Nipomo Community Services District.

RECEIVED

JAN 31 2005

Planning & Bldg

Larry Kelly - 781-5799

Jo Manson - 781-4660

South Co. Team (781-5600 - operator/switchboard)

2-18

AM

CDF/San Luis Obispo County
Fire Department

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

March 3, 2005

County of San Luis Obispo
Department of Planning/Building
County Government Center
San Luis Obispo, CA 93408

Dear South County Team,

# CONDITIONAL CERTIFICATE OF COMPLIANCE

***Name: Carlon Project Number: CO 03-0416***

The Department has reviewed the fire conditional certificate of compliance submitted for the proposed 8 parcel subdivision project located Honey on Grove Ln., Nipomo. The property is located within high fire hazard severity area, and will require a minimum 5 minute response time from the nearest County Fire Station.

**The owner of the project shall meet the minimum fire and life safety requirements of the California Fire Code (1998 edition) with amendments. This fire safety plan shall remain on the project site until final inspection. The following standards are required:**

## COMMUNITY WATER SYSTEM

- Emergency water supplies shall meet the minimum fire flow requirements as identified in the California Uniform Fire Code, Section 903.1, 903.2, 903.3 and 903.4 as amended, and in Appendix III-A.
- The proposed project shall provide a minimum 1000 gallons of water per minute for 120 minutes.
- The minimum water main size shall not be less than six (6) inches.
- Pressures may not be less than 20 psi, nor more than 150 psi (Appendix IIIA).

## WATER SUPPLY CONNECTION

One fire hydrant shall be required.

- Fire hydrants are to be located with a maximum normal spacing of 500 feet as measured along vehicular travel ways.
- The County Fire Department will assist in hydrant placement and approve distribution system when plans are submitted.
- Fire hydrants shall have two, 2½-inch outlets with National Standard Fire thread, and one 4 inch suction outlet with National Standard Fire thread.
- The Chief shall approve other uses not identified.
- Signing: Each hydrant shall be identified by blue reflective dot.
  - (a) On a fire resistive post within 3 feet of fire hydrant.
  - (b) On a non-skid surface, center of roadway, to the fire hydrant side.

## ACCESS

Access road width shall be 18 feet.
Driveway width shall be 10 feet.
All road and driveway surfaces shall be all weather.
All surfaces shall be constructed to meet a load capacity of 20 tons.
Any grade exceeding 12% shall be a non-skid surface.

## ADDRESSING

Legible address numbers shall be placed on all residences.
Legible address numbers shall be located at the driveway entrance.

## VEGETATION CLEARANCE

To provide safety and defensible space the following shall be required:

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To each side of roads and driveways a 10-foot fuelbreak shall be provided.
Maintain around all structures a 30-foot firebreak.

- This does not apply to landscaped areas and plants.

Remove any part of a tree that is within 10 feet of a chimney outlet.
Maintain any tree adjacent to or overhanging any building free of deadwood.
Maintain the roof of any structure free of leaves, needles or other dead vegetative growth.

## FINAL INSPECTION

The project will require final inspection. **Please allow five (5) working days for final inspection.** When the safety requirements have been completed, **call Fire Prevention at (805) 543-4244, extension 2220,** to arrange for a final inspection. Currently Southern San Luis Obispo County inspections occur on Tuesdays and North County inspections occur on Thursdays.

Further information may be obtained from our website located at www.cdfslo.org ~ Planning and Engineering section. If we can provide additional information or assistance, please call (805) 543-4244.

Sincerely,

Gilbert R. Portillo
Fire Inspector

C: Ms. Rosemary Carlon, owner

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# COUNTY OF SAN LUIS OBISPO

FOR OFFICIAL USE ONLY (AM)

## MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

**ENVIRONMENTAL DETERMINATION NO.** ED04-352 **DATE: March 31, 2005**

**PROJECT/ENTITLEMENT:** Carlon Certificates of Compliance S030174C, C03-0416

**APPLICANT NAME:** Rosemary Carlon
**ADDRESS:** 769 Story Lane, Nipomo, CA 93444
**CONTACT PERSON:** Rosemary Carlon **Telephone:(805) 929-1753**

**PROPOSED USES/INTENT:**
Request by Rosemary Carlon to recognize as legal eight existing parcels totaling 2.56 acres (consistent with the land use category) and to subdivide into 10 parcels of 10,500 square feet eachy for the sale and/or development of each proposed parcel., in the South County planning area.

**LOCATION:** the subject property is located on the southeast corner of Story Street and Honey Grove Lane, approximately 3,000 feet southwest of Highway 101, in the community of Nipomo.

**LEAD AGENCY: County of San Luis Obispo Department of Planning & Building**
**County Government Center, Rm. 310**
**San Luis Obispo, CA 93408-2040**

**OTHER POTENTIAL PERMITTING AGENCIES:** None

**ADDITIONAL INFORMATION:** Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

**COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT ..... 5 p.m. on April 14, 2005**
**(Circle one) ~~20-DAY~~ 30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification**

## Notice of Determination

**State Clearinghouse No.** _____

This is to advise that the San Luis Obispo County SRB as ☒ *Lead Agency* ☐ *Responsible Agency* approved/denied the above described project on 5-2-05, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,
County Government Center, Room 310, San Luis Obispo, CA 93408-2040

| Signature | Title | Date | Public Agency |
|---|---|---|---|
| Andrea Miller | Proj Mgr | 5.5.05 | County of San Luis Obispo |

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California Department of Fish and Game

# CERTIFICATE OF FEE EXEMPTION

De Minimis Impact Finding

**PROJECT TITLE & NUMBER:** Carlon Certificate of Compliance S030174C C03-0416

| | |
|---|---|
| **Project Applicant** | Rosemary Carlon |
| Address: | 769 Story Lane |
| City, State, Zip Code: | Nipomo, CA 93444 |
| Telephone #: | (805) 929-1753 |

**PROJECT DESCRIPTION/LOCATION:** See attached Notice of Determination

**FINDINGS OF EXEMPTION:**

There is no evidence before this agency that the proposed project has the potential for adverse effect on wildlife resources for one or more of the following reason(s):

( ) The project is located in an urbanized area that does not contain substantial fish or wildlife resources or their habitat.

( ) The project is located in a highly disturbed area that does not contain substantial fish or wildlife resources or their habitat.

(√) The project is of a limited size and scope and is not located in close proximity to significant wildlife habitat.

( ) The applicable filing fees have/will be collected at the time of issuance of other County approvals for this project. Reference Document Name and No. _____.

( ) Other: _____

**CERTIFICATION:**

I hereby certify that the lead agency has made the above findings of fact and that, based upon the initial study and the hearing record, the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

_____

**Ellen Carroll**, Environmental Coordinator
County of San Luis Obispo

Date:

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COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST

**Project Title & No:** Carlon Certificate of Compliance S030174C, (CO3-0416), ED04-352

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

| | | |
|---|---|---|
| ☐ Aesthetics | ☐ Geology and Soils | ☐ Recreation |
| ☐ Agricultural Resources | ☐ Hazards/Hazardous Materials | ■ Transportation/Circulation |
| ■ Air Quality | ☐ Noise | ☐ Wastewater |
| ☐ Biological Resources | ☐ Population/Housing | ☐ Water |
| ☐ Cultural Resources | ■ Public Services/Utilities | ☐ Land Use |

☐ Mandatory Findings of Significance

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

■ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

| | | | |
|---|---|---|---|
| Andrea Miller | Andrea Miller | | 3/18/05 |
| Prepared by(Print) | Signature | | Date |
| Steve McMasters | Steve McMasters | Ellen Carroll, Environmental Coordinator (for) | 3/28/05 |
| Reviewed by(Print) | Signature | | Date |

**Project Environmental Analysis**

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

## A. PROJECT

DESCRIPTION: - Proposal by Rosemary Carlon for 10 Conditional Certificates to allow for 10 single family residential lots each 10,500 square feet in size. The lots were illegally subdivided in 1989 for APN 092-321-027, and 028, in 1978 for APN 092-321-022, in 1990 for APN 092-321-024, in 2002 for APN 092-321-029, in 1988 for APN 092-321-030, in 2003 for APN 092-321-031 and 032; the conditional certificates would bring the lots into compliance by establishing those lots as legal. The project is located at the southeast corner of Story and Honeygrove Lane, in the community of Nipomo, in the South County planning area.

ASSESSOR PARCEL NUMBER: 092-321-022, 024, 027-032 SUPERVISORIAL DISTRICT #: 4

## B. EXISTING SETTING

PLANNING AREA: South County/Nipomo

LAND USE CATEGORY: Residential Single Family

COMBINING DESIGNATION(S): None

EXISTING USES: Two single family residences with the remaining undeveloped

TOPOGRAPHY: Gently sloping

VEGETATION: Grasses

PARCEL SIZE: 2.45 acres

SURROUNDING LAND USE CATEGORIES AND USES:

*North:* Residential Suburban/Residences *East:* Residential Single Family/Residences

*South:* Residential Single Family/Residences *West:* Residential Single Family/Residences

## C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

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# COUNTY OF SAN LUIS OBISPO
# INITIAL STUDY CHECKLIST

| 1. | AESTHETICS - *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|---|
| *a)* | *Create an aesthetically incompatible site open to public view?* | ☐ | ☐ | ■ | ☐ |
| *b)* | *Introduce a use within a scenic view open to public view?* | ☐ | ☐ | ■ | ☐ |
| *c)* | *Change the visual character of an area?* | ☐ | ☐ | ■ | ☐ |
| *d)* | *Create glare or night lighting which may affect surrounding areas?* | ☐ | ☐ | ■ | ☐ |
| *e)* | *Impact unique geological or physical features?* | ☐ | ☐ | ■ | ☐ |
| *f)* | *Other* _____ | ☐ | ☐ | ☐ | ☐ |

**Setting.** The project is located between Southland and Story Streets along Honeygrove Lane. The area is Residential Single Family. The proposed project would legally recognize the lots and in the future, they would have single family residences. The project is compatible with existing development in the vicinity as well as consistent with the land use designation.

**Impact.** No impacts to aesthetics are expected to occur.

**Mitigation/Conclusion.** The proposed project is consistent with the land use category and is not anticipated to conflict with any aesthetics, therefore no mitigation measures are necessary.

| 2. | AGRICULTURAL RESOURCES - *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|---|
| *a)* | *Convert prime agricultural land to non-agricultural use?* | ☐ | ☐ | ☐ | ■ |
| *b)* | *Impair agricultural use of other property or result in conversion to other uses?* | ☐ | ☐ | ☐ | ■ |
| *c)* | *Conflict with existing zoning or Williamson Act program?* | ☐ | ☐ | ☐ | ■ |
| *d)* | *Other* _____ | ☐ | ☐ | ☐ | ☐ |

**Setting.** The soil type is Oceano sand. As described in the NRCS Soil Survey, this soil is considered Class VI for "non-irrigated" soil, and Class IV for "irrigated" soil. No agricultural uses occur in the area of the project and it is surrounded by Residential Property.

**Impact.** No impacts to agricultural uses are expected to occur.

**Mitigation/Conclusion.** The proposed project is consistent with the land use category and is not anticipated to conflict with any agricultural uses, therefore no mitigation measures are necessary.

| 3. AIR QUALITY - *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| a) *Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?* | ☐ | ■ | ☐ | ☐ |
| b) *Expose any sensitive receptor to substantial air pollutant concentrations?* | ☐ | ☐ | ■ | ☐ |
| c) *Create or subject individuals to objectionable odors?* | ☐ | ☐ | ■ | ☐ |
| d) *Be inconsistent with the District's Clean Air Plan?* | ☐ | ☐ | ■ | ☐ |
| e) *Other* _____ | ☐ | ☐ | ☐ | ☐ |

**Setting.** Based on Table 1-1 of the CEQA Air Quality Handbook, the project will result in less than 10 lbs./day of pollutants, which is below the threshold warranting any mitigation. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan (CAP). The CAP looks at the cumulative effects of county buildout, and is updated every three years with the intent to review and include programs, as needed, to bring the county into attainment for air quality.

**Mitigation/Conclusion.** Each new residence(s) will be subject to the South County Air Quality Mitigation fee, which is intended to partially mitigate the cumulative effects of new residential development within the South County planning area. This program funds several strategies within the South County to improve air quality and reduce single-occupant vehicles, by: attracting transit ridership through regional bus stop improvements; encouraging carpooling through park-and-ride lot improvements and ridesharing advertising; promoting the use of bicycles through bike lane installation; reducing dust through limited road paving of several unpaved roads; and by providing electronic information/services locally to reduce vehicle trip lengths.

In 1994, the South County Area Plan was adopted and associated EIR certified. As a part of that analysis, a cumulative assessment of the buildout impacts of the planning area was completed, which included the ultimate breakdown of the subject property as is currently proposed. While cumulative impacts to air quality was identified in the EIR as potentially significant and unavoidable, the findings recognized that the existing cumulative air quality mitigation program, combined with a slight improvement over the previous Area Plan buildout would offset some of these impacts.

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| 4. | BIOLOGICAL RESOURCES - *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|---|
| *a)* | *Result in a loss of unique or special status species or their habitats?* | ☐ | ☐ | ■ | ☐ |
| *b)* | *Reduce the extent, diversity or quality of native or other important vegetation?* | ☐ | ☐ | ■ | ☐ |
| *c)* | *Impact wetland or riparian habitat?* | ☐ | ☐ | ☐ | ■ |
| *d)* | *Introduce barriers to movement of resident or migratory fish or wildlife species, or factors which could hinder the normal activities of wildlife?* | ☐ | ☐ | ■ | ☐ |
| *e)* | *Other* _____ | ☐ | ☐ | ☐ | ☐ |

**Setting.** The property is located within the following habitats: urban areas. The Natural Diversity Database (2002) did not identify any sensitive species or habitats within close proximity of the proposed project.

**Impact.** No impacts to rare or threatened native vegetation are expected to occur.

**Mitigation/Conclusion.** The project site does not support any sensitive native vegetation, significant wildlife habitats, or special status species. Therefore, no significant biological impacts are expected to occur and no mitigation measures are necessary.

| 5. | CULTURAL RESOURCES - *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|---|
| *a)* | *Disturb pre-historic resources?* | ☐ | ☐ | ■ | ☐ |
| *b)* | *Disturb historic resources?* | ☐ | ☐ | ■ | ☐ |
| *c)* | *Disturb paleontological resources?* | ☐ | ☐ | ■ | ☐ |
| *d)* | *Other* _____ | ☐ | ☐ | ☐ | ☐ |

**Setting/Impact.** The project is located in the area historically occupied by the Obispeno Chumash. Previous surveys within the immediate vicinity did not identify any cultural or paleontological resources. No impacts to cultural or paleontological resources are expected to occur.

**Mitigation/Conclusion.** No mitigation measures beyond ordinance requirements are necessary because no historical structures are present and no cultural or paleonotological resources exist on the project site.

2-27

| 6. GEOLOGY AND SOILS - *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| *a) Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?* | ☐ | ☐ | ■ | ☐ |
| *b) Be within a CA Dept. of Mines & Geology Earthquake Fault Zone (formerly Alquist Priolo)?* | ☐ | ☐ | ☐ | ■ |
| *c) Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?* | ☐ | ☐ | ■ | ☐ |
| *d) Change rates of soil absorption, or amount or direction of surface runoff?* | ☐ | ☐ | ■ | ☐ |
| *e) Include structures located on expansive soils?* | ☐ | ☐ | ■ | ☐ |
| *f) Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?* | ☐ | ☐ | ■ | ☐ |
| *g) Involve activities within the 100-year flood zone?* | ☐ | ☐ | ☐ | ■ |
| *h) Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?* | ☐ | ☐ | ☐ | ■ |
| *i) Preclude the future extraction of valuable mineral resources?* | ☐ | ☐ | ■ | ☐ |
| *j) Other* _____ | ☐ | ☐ | ☐ | ☐ |

**Setting/Impact.** *Geology.* The topography of the project ranges from (nearly level to moderately sloping to the east). The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered low. The liquefaction potential during a ground-shaking event is considered moderate. No active faulting is known to exist on or near the subject property. There is no evidence that measures above what will already be required by ordinance or code are needed. The project is not within a known area containing serpentine rock.

*Drainage.* Nipomo Creek is found to the east of the property, less than 1 mile of the proposed development. The area proposed for development is outside of the 100-year Flood Hazard designation. As described in the NRCS Soil Survey, these soils are well drained. No specific measures above what will already be required by ordinance or code are considered necessary.

*Sedimentation and Erosion.* The soil type is Oceano sand, 0-9% slopes. As described in the NRCS Soil Survey, the soil surface is considered to have low erodibility and has a low shrink-swell characteristic.

There is no evidence that measures above what will already be required by ordinance or code will be needed.

**Mitigation/Conclusion.** No specific measure above what will already be required by ordinance or code for geology, drainage and/or sedimentation control will be needed, therefore no impacts are less than significant.

| 7. | HAZARDS & HAZARDOUS MATERIALS - *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|---|
| *a)* | ***Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?*** | ☐ | ☐ | ■ | ☐ |
| *b)* | ***Interfere with an emergency response or evacuation plan?*** | ☐ | ☐ | ■ | ☐ |
| *c)* | ***Expose people to safety risk associated with airport flight pattern?*** | ☐ | ☐ | ☐ | ■ |
| *d)* | ***Increase fire hazard risk or expose people or structures to high fire hazard conditions?*** | ☐ | ☐ | ■ | ☐ |
| *e)* | ***Create any other health hazard or potential hazard?*** | ☐ | ☐ | ☐ | ■ |
| *f)* | ***Other*** _____ | ☐ | ☐ | ☐ | ☐ |

**Setting/Conclusion.** The project is not located in an area of known hazardous material contamination and does not propose use of hazardous materials. No significant fire safety risk was identified. The project is not expected to conflict with any regional evacuation plan. No impacts as a result of hazards or hazardous materials are anticipated.

| 8. | NOISE - *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|---|
| *a)* | ***Expose people to noise levels which exceed the County Noise Element thresholds?*** | ☐ | ☐ | ■ | ☐ |

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| 8. NOISE - *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| *b) Generate increases in the ambient noise levels for adjoining areas?* | ☐ | ☐ | ■ | ☐ |
| *c) Expose people to severe noise or vibration?* | ☐ | ☐ | ■ | ☐ |
| *d) Other* _____ | ☐ | ☐ | ☐ | ☐ |

**Setting/Conclusion.** The project will not generate a significant impact or expose individuals to significant noise levels. No impacts to noise are expected to occur, therefore no mitigation measures are required.

| 9. POPULATION/HOUSING - *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| *a) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?* | ☐ | ☐ | ■ | ☐ |
| *b) Displace existing housing or people, requiring construction of replacement housing elsewhere?* | ☐ | ☐ | ■ | ☐ |
| *c) Create the need for substantial new housing in the area?* | ☐ | ☐ | ■ | ☐ |
| *d) Use substantial amount of fuel or energy?* | ☐ | ☐ | ■ | ☐ |
| *e) Other* _____ | ☐ | ☐ | ☐ | ☐ |

**Setting/Conclusion.** The project will not result in a need for a significant amount of new housing, and will not displace existing housing. Therefore, no significant population and housing impacts are expected to occur.

| 10. PUBLIC SERVICES/UTILITIES - *Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| *a) Fire protection?* | ☐ | ■ | ☐ | ☐ |
| *b) Police protection (e.g., Sheriff, CHP)?* | ☐ | ■ | ☐ | ☐ |

2-30

| 10. PUBLIC SERVICES/UTILITIES - *Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| *c) Schools?* | ☐ | ■ | ☐ | ☐ |
| *d) Roads?* | ☐ | ■ | ☐ | ☐ |
| *e) Solid Wastes?* | ☐ | ☐ | ■ | ☐ |
| *f) Other public facilities?* | ☐ | ☐ | ■ | ☐ |
| *g) Other* _____ | ☐ | ☐ | ☐ | ☐ |

**Setting.** The closest CDF fire station is the Nipomo station, which is about 3.5 miles from the proposed project. The closest Sheriff substation is in Oceano, which is about 11 miles from the proposed project.

**Impact.** The proposed project will have cumulative/public service impacts in the following area: traffic, fire and police/sheriff protection, and schools. To minimize traffic impacts, the applicant is subject to a "fair share" fee for each new residences based on the County Public Works Department Fee Schedule. For fire and police/sheriff protection, the applicant is subject to a "fair share" fee through the Countywide Public Facilities fee program.

To minimize impacts to the school system, the State requires that proposed project contribute its "fair share" based on the structure's square footage. In addition, the recent passage of Proposition 1A along with Senate Bill SB50, provides for a $9.2 billion dollar state bond statewide for facility improvements of public school districts and California institutions of higher learning. These new laws also prohibit the county from imposing any fees or other requirements not specified in these statutes, as well as not allowing the county to deny or condition a project based on inadequate school facilities.

**Mitigation/Conclusion.** Public facilities and school fee programs are required to address impacts to public facilities and will reduce the cumulative impact to a level of insignificance.

| 11. RECREATION - *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| *a) Increase the use or demand for parks or other recreation opportunities?* | ☐ | ☐ | ■ | ☐ |
| *b) Affect the access to trails, parks or other recreation opportunities?* | ☐ | ☐ | ■ | ☐ |
| *c) Other* _____ | ☐ | ☐ | ☐ | ☐ |

**Setting.** The County Trails Plan does not show a future trail being considered on the subject property, therefore no mitigation measures are necessary.

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| 12. TRANSPORTATION/ CIRCULATION - *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| a) *Increase vehicle trips to local or areawide circulation system?* | ☐ | ■ | ☐ | ☐ |
| b) *Reduce existing "Levels of Service" on public roadway(s)?* | ☐ | ■ | ☐ | ☐ |
| c) *Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?* | ☐ | ☐ | ☐ | ■ |
| d) *Provide for adequate emergency access?* | ☐ | ☐ | ■ | ☐ |
| e) *Result in inadequate parking capacity?* | ☐ | ☐ | ■ | ☐ |
| f) *Result in inadequate internal traffic circulation?* | ☐ | ☐ | ■ | ☐ |
| g) *Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?* | ☐ | ☐ | ■ | ☐ |
| h) *Result in a change in air traffic patterns that may result in substantial safety risks?* | ☐ | ☐ | ☐ | ■ |
| i) *Other* _____ | ☐ | ☐ | ☐ | ☐ |

**Mitigation/Conclusion** - Future development will access onto Southland Street. Southland Street is a two-lane local road that was paved a few years ago. This roadway is operating at acceptable levels of service. This project, along with other projects in the area, will result in cumulative impacts to area traffic/circulation. Road Fees collected will fund areawide traffic improvements. Payment of those fees will mitigate cumulative traffic impacts. Based on the proposed project and implementation of the proposed mitigation measures relating to traffic, individual and cumulative impacts will be reduced to less than significant levels.

| 13. WASTEWATER - *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| a) *Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?* | ☐ | ☐ | ■ | ☐ |

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| 13. WASTEWATER - *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| *b) Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?* | ❑ | ❑ | ■ | ❑ |
| *c) Adversely affect community wastewater service provider?* | ❑ | ❑ | ■ | ❑ |
| *d) Other* _____ | ❑ | ❑ | ❑ | ❑ |

**Setting/Mitigation/Conclusion.** The project's waste disposal needs will be served by the Nipomo Community Services District. Therefore, no special measures are needed and potential impacts are considered less than significant.

| 14. WATER - *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| *a) Violate any water quality standards?* | ❑ | ❑ | ■ | ❑ |
| *b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?* | ❑ | ❑ | ■ | ❑ |
| *c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?* | ❑ | ❑ | ■ | ❑ |
| *g) Change the quantity or movement of available surface or ground water?* | ❑ | ❑ | ■ | ❑ |
| *e) Adversely affect community water service provider?* | ❑ | ❑ | ■ | ❑ |
| *f) Other* _____ | ❑ | ❑ | ❑ | ❑ |

**Setting.** The project proposes the use of water for 10 lots. The Nipomo Community Services District currently serves two single family residences.

**Impact - Water Usage.** The project proposes to use community service (NCSD) as its water source. Based on the project description, as shown above, a reasonable "worst case" indoor water usage would likely be about 3.3 acre-feet/year (afy):

10 residential lots (.33 per unit) X 10 lots = 3.3 afy
Source: "City of Santa Barbara Water Demand Factor & Conservation Study 'User Guide'"(Aug., 1989)

**Surface Water Quality.** The nearest down-gradient blue line creek or water body is approximately 1 mile from the proposed project. The topography of the site is gently sloping. Standard drainage and

erosion control measures will be required for the proposed project and will provide sufficient measures to adequately protect surface water quality.

**Mitigation/Conclusion.** A will-serve letter from the Nipomo Community Services District will be required prior to building permit issuance. No additional measures are considered necessary and potential water quality impacts are either insignificant or will be reduced to less than significant levels.

| 15. LAND USE - *Will the project:* | Inconsistent | Potentially Inconsistent | Consistent | Not Applicable |
|---|---|---|---|---|
| a) *Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?* | ☐ | ☐ | ■ | ☐ |
| b) *Be potentially inconsistent with any habitat or community conservation plan?* | ☐ | ☐ | ■ | ☐ |
| c) *Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?* | ☐ | ☐ | ■ | ☐ |
| d) *Be potentially incompatible with surrounding land uses?* | ☐ | ☐ | ■ | ☐ |
| e) *Other* _____ | ☐ | ☐ | ☐ | ☐ |

**Setting/Impact.** The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g. County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to several agencies for various policy consistencies. The project was found to be consistent with these documents. No impacts to land use consistency are found in review of the project.

**Mitigation/Conclusion.** No inconsistencies were identified and therefore no additional measures above what will already be required was determined necessary.

| 16. MANDATORY FINDINGS OF SIGNIFICANCE - *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| a) *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* | | | | |

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*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?* ❑ ❑ ■ ❑

*b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project's, and the effects of probable future projects* ❑ ■ ❑ ❑

*c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?* ❑ ❑ ■ ❑

---

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.slocoplanbldg.com" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env_law/ ceqa/guidelines/" for information about the California Environmental Quality Act.

## Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an "**X**") and when a response was made, it is either attached or in the application file:

| Contacted | Agency | Response |
|---|---|---|
| X | County Public Works Department | **In File *** |
| | County Environmental Health Division | **Not Applicable** |
| | County Agricultural Commissioner's Office | **Not Applicable** |
| | County Airport Manager | **Not Applicable** |
| | Airport Land Use Commission | **Not Applicable** |
| | Air Pollution Control District | **Not Applicable** |
| | County Sheriff's Department | **Not Applicable** |
| | Regional Water Quality Control Board | **Not Applicable** |
| | CA Coastal Commission | **Not Applicable** |
| | CA Department of Fish and Game | **Not Applicable** |
| X | CA Department of Forestry | **Not Applicable** |
| | CA Department of Transportation | **Not Applicable** |
| X | Nipomo Community Service District | **In File *** |
| X | Other Parks Department | **In File *** |

** "No comment" or "No concerns"-type responses are usually not attached*

The following checked ("✔") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

✔ Project File for the Subject Application

County documents

- ___ Airport Land Use Plans
- ✔ Annual Resource Summary Report
- ___ Building and Construction Ordinance
- ___ Coastal Policies
- ✔ Framework for Planning (Coastal & Inland)
- ✔ General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:
  - ✔ Agriculture & Open Space Element
  - ✔ Energy Element
  - ✔ Environment Plan (Conservation, Historic and Esthetic Elements)
  - ✔ Housing Element
  - ✔ Noise Element
  - ___ Parks & Recreation Element
  - ✔ Safety Element
- ✔ Land Use Ordinance
- ___ Real Property Division Ordinance
- ___ Trails Plan
- ___ Solid Waste Management Plan
- ___ _____ Area Plan and Update EIR
- ___ _____ Circulation Study

Other documents

- ✔ Archaeological Resources Map
- ✔ Area of Critical Concerns Map
- ✔ Areas of Special Biological Importance Map
- ✔ California Natural Species Diversity Database
- ✔ Clean Air Plan
- ✔ Fire Hazard Severity Map
- ✔ Flood Hazard Maps
- ✔ Natural Resources Conservation Service Soil Survey for San Luis Obispo County
- ✔ Regional Transportation Plan
- ✔ Uniform Fire Code
- ✔ Water Quality Control Plan (Central Coast Basin - Region 3)
- ___ Other _____
- ___ Other _____

## Exhibit A - Initial Study References and Agency Contacts

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the proposed project. With respect to the subject application, the following have been co
with an "**X**") and when a response was made, it is either attached or in the application f

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| | Air Pollution Control District | **Not Applica** |
| | County Sheriff's Department | **Not Applica** |
| | Regional Water Quality Control Board | **Not Applica** |
| | CA Coastal Commission | **Not Applica** |
| | CA Department of Fish and Game | **Not Applica** |
| X | CA Department of Forestry | **Not Applica** |
| | CA Department of Transportation | **Not Applica** |
| X | Nipomo Community Service District | **In File *** |
| X | Other Parks Department | **In File *** |

** "No comment" or "No concerns"-type responses are usually not attached*

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information is available at the County Planning and Building Department.

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- ___ Coastal Policies
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- ✔ General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:
  - ✔ Agriculture & Open Space Element
  - ✔ Energy Element
  - ✔ Environment Plan (Conservation, Historic and Esthetic Elements)
  - ✔ Housing Element
  - ✔ Noise Element
  - ___ Parks & Recreation Element
  - ✔ Safety Element
- ✔ Land Use Ordinance
- ___ Real Property Division Ordinance
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- ___ _____ Area Plan an
- ___ _____ Circulation St

Other documents

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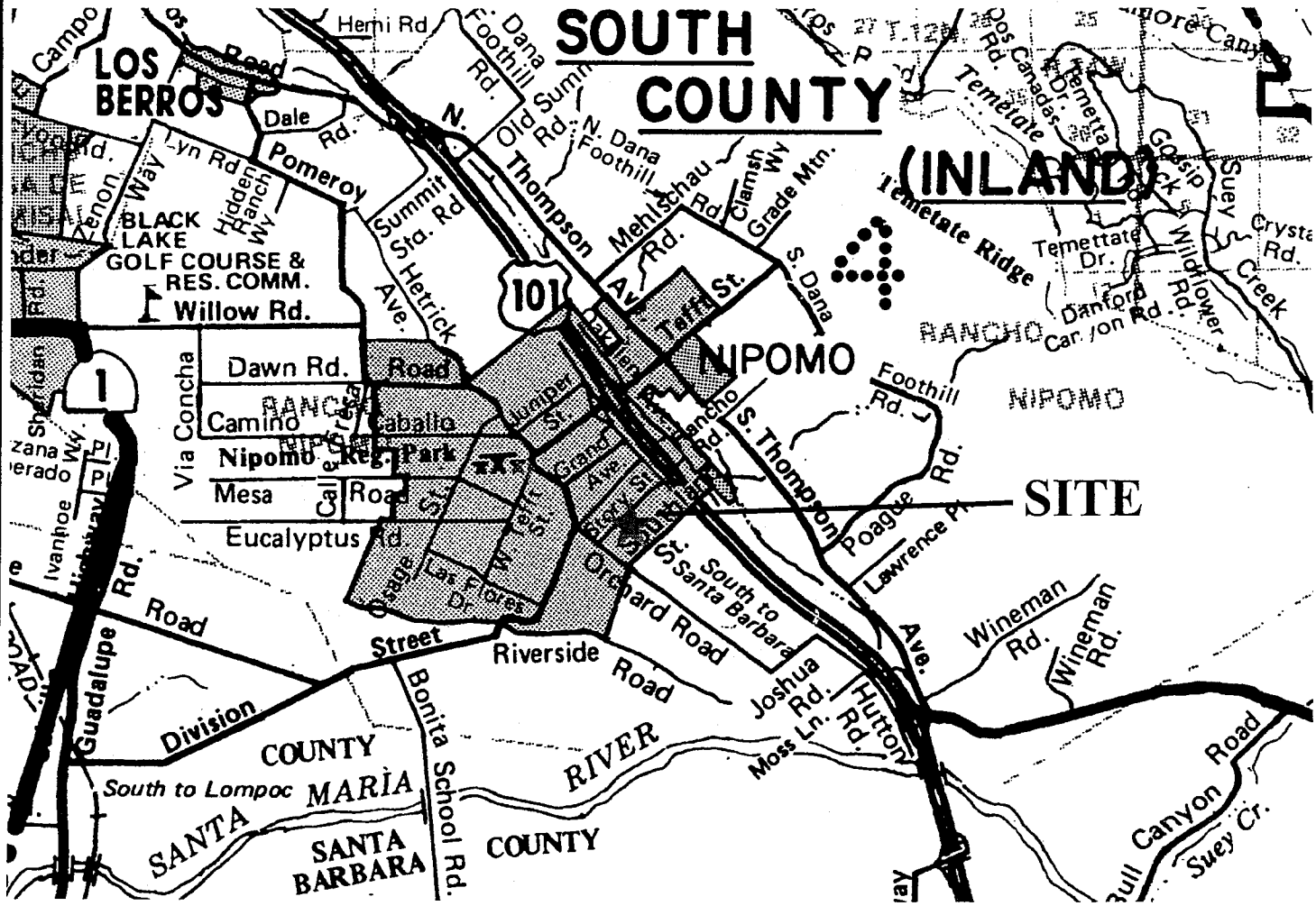
- ✔ Area of Critical Conc
- ✔ Areas of Specia Importance Map
- ✔ California Natural Sp Database
- ✔ Clean Air Plan
- ✔ Fire Hazard Severity
- ✔ Flood Hazard Maps
- ✔ Natural Resources C Service Soil Survey Obispo County
- ✔ Regional Transportat
- ✔ Uniform Fire Code
- ✔ Water Quality Contr Coast Basin - Region
- ___ Other _____
- ___ Other _____




**Carlon** ***Vicinity Map***

**S030174C, C03-0416**

*County of San Luis Obispo Department of Planning & Building*

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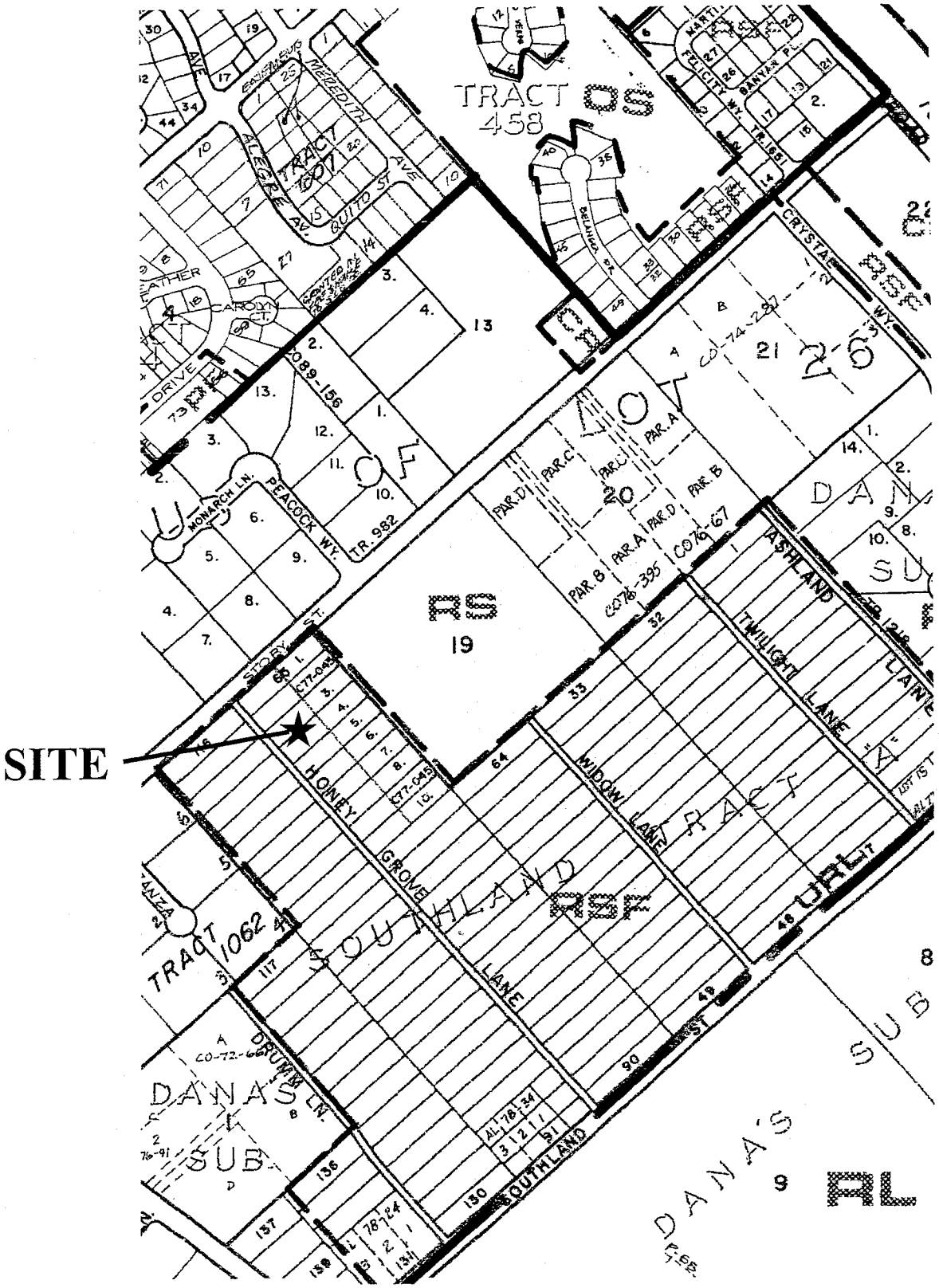


**Carlon** ***Landuse Map***

**S030174C, C03-0416**

*County of San Luis Obispo Department of Planning & Building*

2-39
S-15

RECORDING REQUESTED BY
SAN LUIS OBISPO COUNTY

WHEN RECORDED, RETURN TO:

**Director of Planning & Building**
**County Government Center**
**San Luis Obispo, California 93408**
**ATTN: Larry W. Kelly**

APN(S): 092-321-028 Portion
PROJECT/PCL NO: C2004-416/1 FILE NO: S030174C

DRAFT

# CONDITIONAL CERTIFICATE OF COMPLIANCE

**California Government Code Section 66499.35(b)**

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The following described single parcel of real property has been determined to be NOT in compliance with the applicable provisions of the Subdivision Map Act and local ordinance enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

All of the following conditions shall be fulfilled and implemented prior to the issuance of any required permits or other grant of approval for development of the parcel of real property described herein:

*As described in Exhibit A attached to this certificate and incorporated herein as if set forth in full.*

Said parcel of real property is situated in the unincorporated area of the County of San Luis Obispo, State of California, and is described as follows:

*As described in Exhibit B attached to this certificate and incorporated herein as if set forth in full.*

**RECORD OWNER(S):**

Maximo J. Carlon and Rosemary Carlon, Husband and Wife, as Joint Tenants.

**STATE OF CALIFORNIA )**
**) SS**
**COUNTY OF SAN LUIS OBISPO )**

**(SEAL)**

VICTOR HOLANDA
Director, Department of Planning and Building

By: _____
Larry W. Kelly, Senior Planner

On this _____ day of _____, in the year 2004, before me, Mary L. Velarde, Notary Public, personally

appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that, he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

_____
Mary L. Velarde, Notary Public

S-402-40

APN(S): 092-321-028 Portion
PROJECT NO: C2004-416

FILE NO: S030174C
PARCEL NO: 1

**EXHIBIT A**

Conditions

# DRAFT

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

APN(S): 092-321-028 Portion
PROJECT NO: C2004-416

5-17 2-41

FILE NO: S030174C
PARCEL NO: 1

**EXHIBIT B**

**Legal Description**

# DRAFT

Lot 65 in Block A of the Southland Tract, in the County of San Luis Obispo, State of California, according to map recorded September 12, 1911 in Book 1, Page 25 of Maps, in the Office of the County Recorder of said County.

EXCEPTING THEREFROM the Northeasterly 160 feet of said Lot.

ALSO EXCEPTING THEREFROM the Southwesterly 10 feet of said land described in the deed to the County of San Luis Obispo, recorded December 26, 1962 in Book 1217, Page 704 of Official Records in the Office of the County Recorder of said County.

5-18 2-42

RECORDING REQUESTED BY
SAN LUIS OBISPO COUNTY

WHEN RECORDED, RETURN TO:

**Director of Planning & Building**
**County Government Center**
**San Luis Obispo, California 93408**
**ATTN: Larry W. Kelly**

APN(S): 092-321-028 Portion
PROJECT/PCL NO: C2004-416/2 FILE NO: S030174C

# DRAFT

## CONDITIONAL CERTIFICATE OF COMPLIANCE

**California Government Code Section 66499.35(b)**

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The following described single parcel of real property has been determined to be NOT in compliance with the applicable provisions of the Subdivision Map Act and local ordinance enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

All of the following conditions shall be fulfilled and implemented prior to the issuance of any required permits or other grant of approval for development of the parcel of real property described herein:

*As described in Exhibit A attached to this certificate and incorporated herein as if set forth in full.*

Said parcel of real property is situated in the unincorporated area of the County of San Luis Obispo, State of California, and is described as follows:

*As described in Exhibit B attached to this certificate and incorporated herein as if set forth in full.*

**RECORD OWNER(S):**

Maximo J. Carlon and Rosemary Carlon, Husband and Wife, as Joint Tenants.

**STATE OF CALIFORNIA )**
**) SS**
**COUNTY OF SAN LUIS OBISPO )**

**(SEAL)**

VICTOR HOLANDA
Director, Department of Planning and Building

By: _____
Larry W. Kelly, Senior Planner

On this _____ day of _____, in the year 2004, before me, Mary L. Velarde, Notary Public, personally

appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that, he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

_____
Mary L. Velarde, Notary Public

5-19 2-43

APN(S): 092-321-028 Portion
PROJECT NO: C2004-416

FILE NO: S030174C
PARCEL NO: 2

**EXHIBIT A**

Conditions

DRAFT

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

~~5-20~~ 2-44

APN(S): 092-321-028 Portion
PROJECT NO: C2004-416

FILE NO: S030174C
PARCEL NO: 2

**EXHIBIT B**

**Legal Description**

DRAFT

Lot 66 in Block A of the Southland Tract, in the County of San Luis Obispo, State of California, according to map recorded September 12, 1911 in Book 1, Page 25 of Maps, in the Office of the County Recorder of said County.

EXCEPTING THEREFROM the Northeasterly 160 feet of said Lot.

ALSO EXCEPTING THEREFROM the Southwesterly 10 feet of said land described in the deed to the County of San Luis Obispo, recorded December 26, 1962 in Book 1217, Page 704 of Official Records in the Office of the County Recorder of said County.

RECORDING REQUESTED BY
SAN LUIS OBISPO COUNTY

WHEN RECORDED, RETURN TO:

Director of Planning & Building
County Government Center
San Luis Obispo, California 93408
ATTN: Larry W. Kelly

APN(S): 092-321-027
PROJECT/PCL NO: C2004-416/3 FILE NO: S030174C

5-21-2-46

DRAFT

# CONDITIONAL CERTIFICATE OF COMPLIANCE

**California Government Code Section 66499.35(b)**

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**RECORD OWNER(S):**

Maximo J. Carlon and Rosemary Carlon, Husband and Wife, as Joint Tenants.

**STATE OF CALIFORNIA )**
**) SS**
**COUNTY OF SAN LUIS OBISPO )**

**(SEAL)**

VICTOR HOLANDA
Director, Department of Planning and Building

By: _____
Larry W. Kelly, Senior Planner

On this _____ day of _____, in the year 2004, before me, Mary L. Velarde, Notary Public, personally

appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that, he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

_____
Mary L. Velarde, Notary Public

APN(S): 092-321-027
PROJECT NO: C2004-416

~~5-22~~ 2-46

FILE NO: S030174C
PARCEL NO: 3

**EXHIBIT A**

Conditions

DRAFT

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

APN(S): 092-321-027
PROJECT NO: C2004-416

S-23 2-47

FILE NO: S030174C
PARCEL NO: 3

**EXHIBIT B**

**Legal Description**

DRAFT

Lot 67 in Block A of the Southland Tract, in the County of San Luis Obispo, State of California, according to map recorded September 12, 1911 in Book 1, Page 25 of Maps, in the Office of the County Recorder of said County.

EXCEPTING THEREFROM the Northeasterly 160 feet of said Lot.

ALSO EXCEPTING THEREFROM the Southwesterly 10 feet of said land described in the deed to the County of San Luis Obispo, recorded December 26, 1962 in Book 1217, Page 704 of Official Records in the Office of the County Recorder of said County.

RECORDING REQUESTED BY
SAN LUIS OBISPO COUNTY

WHEN RECORDED, RETURN TO:

**Director of Planning & Building**
**County Government Center**
**San Luis Obispo, California 93408**
**ATTN: Larry W. Kelly**

APN(S): 092-321-022
PROJECT/PCL NO: C2004-416/4 FILE NO: S030174C

S-24 2-48

DRAFT

## CONDITIONAL CERTIFICATE OF COMPLIANCE

**California Government Code Section 66499.35(b)**

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*As described in Exhibit B attached to this certificate and incorporated herein as if set forth in full.*

**RECORD OWNER(S):**

Miguel Diaz and Maria D, Diaz, Husband and Wife, as Joint Tenants.

**STATE OF CALIFORNIA )**
**) SS**
**COUNTY OF SAN LUIS OBISPO )**

**(SEAL)**

VICTOR HOLANDA
Director, Department of Planning and Building

By: _____
Larry W. Kelly, Senior Planner

On this _____ day of _____, in the year 2004, before me, Mary L. Velarde, Notary Public, personally

appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that, he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

_____
Mary L. Velarde, Notary Public

~~5-25~~ 2-49

APN(S): 092-321-022
PROJECT NO: C2004-416

FILE NO: S030174C
PARCEL NO: 4

**EXHIBIT A**

Conditions

DRAFT

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

~~S-20~~ 250

APN(S): 092-321-022
PROJECT NO: C2004-416

FILE NO: S030174C
PARCEL NO: 4

**EXHIBIT B**

**Legal Description**

DRAFT

Lot 68 in Block A of the Southland Tract, in the County of San Luis Obispo, State of California, according to map recorded September 12, 1911 in Book 1, Page 25 of Maps, in the Office of the County Recorder of said County.

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RECORDING REQUESTED BY
SAN LUIS OBISPO COUNTY

WHEN RECORDED, RETURN TO:

Director of Planning & Building
County Government Center
San Luis Obispo, California 93408
ATTN: Larry W. Kelly

APN(S): 092-321-024
PROJECT/PCL NO: C2004-416/5 FILE NO: S030174C

~~5.27~~ 2-51

DRAFT

# CONDITIONAL CERTIFICATE OF COMPLIANCE

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**RECORD OWNER(S):**

Juanita Ybarra, a Widow.

**STATE OF CALIFORNIA )**
**) SS**
**COUNTY OF SAN LUIS OBISPO )**

**(SEAL)**

VICTOR HOLANDA
Director, Department of Planning and Building

By: _____
Larry W. Kelly, Senior Planner

On this _____ day of _____, in the year 2004, before me, Mary L. Velarde, Notary Public, personally

appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that, he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

_____
Mary L. Velarde, Notary Public

~~5-28~~ 2-52

APN(S): 092-321-024
PROJECT NO: C2004-416

FILE NO: S030174C
PARCEL NO: 5

**EXHIBIT A**

Conditions

DRAFT

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

~~5-74~~ 7-53

APN(S): 092-321-024
PROJECT NO: C2004-416

FILE NO: S030174C
PARCEL NO: 5

**EXHIBIT B**

**Legal Description**

DRAFT

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RECORDING REQUESTED BY
SAN LUIS OBISPO COUNTY

WHEN RECORDED, RETURN TO:

**Director of Planning & Building**
**County Government Center**
**San Luis Obispo, California 93408**
**ATTN: Larry W. Kelly**

APN(S): 092-321-029
PROJECT/PCL NO: C2004-416/6 FILE NO: S030174C

~~5-30~~ 2-54

DRAFT

# CONDITIONAL CERTIFICATE OF COMPLIANCE

**California Government Code Section 66499.35(b)**

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*As described in Exhibit A attached to this certificate and incorporated herein as if set forth in full.*

Said parcel of real property is situated in the unincorporated area of the County of San Luis Obispo, State of California, and is described as follows:

*As described in Exhibit B attached to this certificate and incorporated herein as if set forth in full.*

**RECORD OWNER(S):**

Juanita Ybarra, a Widow.

**STATE OF CALIFORNIA )**
**) SS**
**COUNTY OF SAN LUIS OBISPO )**

**(SEAL)**

VICTOR HOLANDA
Director, Department of Planning and Building

By: _____
Larry W. Kelly, Senior Planner

On this _____ day of _____, in the year 2004, before me, Mary L. Velarde, Notary Public, personally

appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that, he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

_____
Mary L. Velarde, Notary Public

5-3+ 2-55

APN(S): 092-321-029
PROJECT NO: C2004-416

FILE NO: S030174C
PARCEL NO: 6

**EXHIBIT A**

Conditions

DRAFT

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

APN(S): 092-321-029
PROJECT NO: C2004-416

5-32 2-56

FILE NO: S030174C
PARCEL NO: 6

**EXHIBIT B**

**Legal Description**

DRAFT

Lot 70 in Block A of the Southland Tract, in the County of San Luis Obispo, State of California, according to map recorded September 12, 1911 in Book 1, Page 25 of Maps, in the Office of the County Recorder of said County.

EXCEPTING THEREFROM the Northeasterly 160 feet of said Lot.

ALSO EXCEPTING THEREFROM the Southwesterly 10 feet of said land described in the deed to the County of San Luis Obispo, recorded December 26, 1962 in Book 1217, Page 704 of Official Records in the Office of the County Recorder of said County.

RECORDING REQUESTED BY
SAN LUIS OBISPO COUNTY

WHEN RECORDED, RETURN TO:

**Director of Planning & Building**
**County Government Center**
**San Luis Obispo, California 93408**
**ATTN: Larry W. Kelly**

APN(S): 092-321-030
PROJECT/PCL NO: C2004-416/7 FILE NO: S030174C

~~5-33~~ 2-57

DRAFT

# CONDITIONAL CERTIFICATE OF COMPLIANCE

**California Government Code Section 66499.35(b)**

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The following described single parcel of real property has been determined to be NOT in compliance with the applicable provisions of the Subdivision Map Act and local ordinance enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

All of the following conditions shall be fulfilled and implemented prior to the issuance of any required permits or other grant of approval for development of the parcel of real property described herein:

*As described in Exhibit A attached to this certificate and incorporated herein as if set forth in full.*

Said parcel of real property is situated in the unincorporated area of the County of San Luis Obispo, State of California, and is described as follows:

*As described in Exhibit B attached to this certificate and incorporated herein as if set forth in full.*

**RECORD OWNER(S):**
Heirs of Albert Ybarra.

**STATE OF CALIFORNIA )**
**) SS**
**COUNTY OF SAN LUIS OBISPO )**

**(SEAL)**

VICTOR HOLANDA
Director, Department of Planning and Building

By: _____
Larry W. Kelly, Senior Planner

On this _____ day of _____, in the year 2004, before me, Mary L. Velarde, Notary Public, personally

appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that, he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

_____
Mary L. Velarde, Notary Public

~~5-34~~ 2-58

APN(S): 092-321-030
PROJECT NO: C2004-416

FILE NO: S030174C
PARCEL NO: 7

**EXHIBIT A**

Conditions

DRAFT

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

APN(S): 092-321-030
PROJECT NO: C2004-416

~~5-35~~ 2-59

FILE NO: S030174C
PARCEL NO: 7

**EXHIBIT B**

**Legal Description**

DRAFT

Lot 71 in Block A of the Southland Tract, in the County of San Luis Obispo, State of California, according to map recorded September 12, 1911 in Book 1, Page 25 of Maps, in the Office of the County Recorder of said County.

EXCEPTING THEREFROM the Northeasterly 160 feet of said Lot.

ALSO EXCEPTING THEREFROM the Southwesterly 10 feet of said land described in the deed to the County of San Luis Obispo, recorded December 26, 1962 in Book 1217, Page 704 of Official Records in the Office of the County Recorder of said County.

RECORDING REQUESTED BY
SAN LUIS OBISPO COUNTY

WHEN RECORDED, RETURN TO:

Director of Planning & Building
County Government Center
San Luis Obispo, California 93408
ATTN: Larry W. Kelly

APN(S): 092-321-031
PROJECT/PCL NO: C2004-416/8 FILE NO: S030174C

5-36 2-60

DRAFT

# CONDITIONAL CERTIFICATE OF COMPLIANCE

**California Government Code Section 66499.35(b)**

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The following described single parcel of real property has been determined to be NOT in compliance with the applicable provisions of the Subdivision Map Act and local ordinance enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

All of the following conditions shall be fulfilled and implemented prior to the issuance of any required permits or other grant of approval for development of the parcel of real property described herein:

*As described in Exhibit A attached to this certificate and incorporated herein as if set forth in full.*

Said parcel of real property is situated in the unincorporated area of the County of San Luis Obispo, State of California, and is described as follows:

*As described in Exhibit B attached to this certificate and incorporated herein as if set forth in full.*

**RECORD OWNER(S):**

Irene Y. Castillo, a Single Woman

**STATE OF CALIFORNIA )**
**) SS**
**COUNTY OF SAN LUIS OBISPO )**

**(SEAL)**

VICTOR HOLANDA
Director, Department of Planning and Building

By: _____
Larry W. Kelly, Senior Planner

On this _____ day of _____, in the year 2004, before me, Mary L. Velarde, Notary Public, personally

appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that, he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

_____
Mary L. Velarde, Notary Public

APN(S): 092-321-031
PROJECT NO: C2004-416

~~5-37~~ 2-61

**EXHIBIT A**

Conditions

FILE NO: S030174C
PARCEL NO: 8

DRAFT

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

APN(S): 092-321-031
PROJECT NO: C2004-416

~~5-38~~ 2-62

FILE NO: S030174C
PARCEL NO: 8

**EXHIBIT B**

**Legal Description**

DRAFT

Lot 72 in Block A of the Southland Tract, in the County of San Luis Obispo, State of California, according to map recorded September 12, 1911 in Book 1, Page 25 of Maps, in the Office of the County Recorder of said County.

EXCEPTING THEREFROM the Northeasterly 160 feet of said Lot.

ALSO EXCEPTING THEREFROM the Southwesterly 10 feet of said land described in the deed to the County of San Luis Obispo, recorded December 26, 1962 in Book 1217, Page 704 of Official Records in the Office of the County Recorder of said County.

RECORDING REQUESTED BY
SAN LUIS OBISPO COUNTY

WHEN RECORDED, RETURN TO:

Director of Planning & Building
County Government Center
San Luis Obispo, California 93408
ATTN: Larry W. Kelly

APN(S): 092-321-032 Portion
PROJECT/PCL NO: C2004-416/9 FILE NO: S030174C

~~5-39~~ 2-63

DRAFT

# CONDITIONAL CERTIFICATE OF COMPLIANCE

**California Government Code Section 66499.35(b)**

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The following described single parcel of real property has been determined to be NOT in compliance with the applicable provisions of the Subdivision Map Act and local ordinance enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

All of the following conditions shall be fulfilled and implemented prior to the issuance of any required permits or other grant of approval for development of the parcel of real property described herein:

*As described in Exhibit A attached to this certificate and incorporated herein as if set forth in full.*

Said parcel of real property is situated in the unincorporated area of the County of San Luis Obispo, State of California, and is described as follows:

*As described in Exhibit B attached to this certificate and incorporated herein as if set forth in full.*

**RECORD OWNER(S):**

See Exhibit "C" for Ownership Vesting.

**STATE OF CALIFORNIA )**
**) SS**
**COUNTY OF SAN LUIS OBISPO )**

**(SEAL)**

VICTOR HOLANDA
Director, Department of Planning and Building

By: _____
Larry W. Kelly, Senior Planner

On this _____ day of _____, in the year 2004, before me, Mary L. Velarde, Notary Public, personally

appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that, he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

_____
Mary L. Velarde, Notary Public

APN(S): 092-321-032 Portion
PROJECT NO: C2004-416

~~5-40~~ 2-64

**EXHIBIT A**

Conditions

FILE NO: S030174C
PARCEL NO: 9

DRAFT

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

APN(S): 092-321-032 Portion
PROJECT NO: C2004-416

~~5-44~~ 2-65

FILE NO: S030174C
PARCEL NO: 9

**EXHIBIT B**

**Legal Description**

DRAFT

Lot 73 in Block A of the Southland Tract, in the County of San Luis Obispo, State of California, according to map recorded September 12, 1911 in Book 1, Page 25 of Maps, in the Office of the County Recorder of said County.

EXCEPTING THEREFROM the Northeasterly 160 feet of said Lot.

ALSO EXCEPTING THEREFROM the Southwesterly 10 feet of said land described in the deed to the County of San Luis Obispo, recorded December 26, 1962in Book 1217, Page 704 of Official Records in the Office of the County Recorder of said County.

APN(S): 092-321-032 Portion
PROJECT NO: C2004-416

5.42 2-66

FILE NO: S030174C
PARCEL NO: 9

**EXHIBIT C**

Ownership Vesting

DRAFT

Irene Y. Castillo, a Single Woman, as to an undivided 1/5 interest;

Juanita Ybarra, a Widow, as to an undivided 1/5 interest;

Rosemary Carlon, a Married Woman, as her Sole and Separate property as to an undivided 1/5 interest;

The Heirs of Albert M. Ybarra, as to an undivided 1/5 interest; and

Paul M. Ybarra, as to an undivided 1/5 interest, all as Tenants in Common.

RECORDING REQUESTED BY
SAN LUIS OBISPO COUNTY

WHEN RECORDED, RETURN TO:

**Director of Planning & Building**
**County Government Center**
**San Luis Obispo, California 93408**
**ATTN: Larry W. Kelly**

APN(S): 092-321-032 Portion
PROJECT/PCL NO: C2004-416/10 FILE NO: S030174C

~~5-43~~ 2-67

DRAFT

# CONDITIONAL CERTIFICATE OF COMPLIANCE

**California Government Code Section 66499.35(b)**

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The following described single parcel of real property has been determined to be NOT in compliance with the applicable provisions of the Subdivision Map Act and local ordinance enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

All of the following conditions shall be fulfilled and implemented prior to the issuance of any required permits or other grant of approval for development of the parcel of real property described herein:

*As described in Exhibit A attached to this certificate and incorporated herein as if set forth in full.*

Said parcel of real property is situated in the unincorporated area of the County of San Luis Obispo, State of California, and is described as follows:

*As described in Exhibit B attached to this certificate and incorporated herein as if set forth in full.*

**RECORD OWNER(S):**

See Exhibit "C" for Ownership Vesting.

**STATE OF CALIFORNIA )**
**) SS**
**COUNTY OF SAN LUIS OBISPO )**

**(SEAL)**

VICTOR HOLANDA
Director, Department of Planning and Building

By: _____
Larry W. Kelly, Senior Planner

On this _____ day of _____, in the year 2004, before me, Mary L. Velarde, Notary Public, personally

appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that, he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

_____
Mary L. Velarde, Notary Public

APN(S): 092-321-032 Portion
PROJECT NO: C2004-416

~~5-44~~ 2-68

**EXHIBIT A**

Conditions

FILE NO: S030174C
PARCEL NO: 10

DRAFT

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

APN(S): 092-321-032 Portion
PROJECT NO: C2004-416

~~5-45~~ 2-69

FILE NO: S030174C
PARCEL NO: 10

**EXHIBIT B**

**Legal Description**

DRAFT

Lot 74 in Block A of the Southland Tract, in the County of San Luis Obispo, State of California, according to map recorded September 12, 1911 in Book 1, Page 25 of Maps, in the Office of the County Recorder of said County.

EXCEPTING THEREFROM the Northeasterly 160 feet of said Lot.

ALSO EXCEPTING THEREFROM the Southwesterly 10 feet of said land described in the deed to the County of San Luis Obispo, recorded December 26, 1962 in Book 1217, Page 704 of Official Records in the Office of the County Recorder of said County.

S-46 2-70

APN(S): 092-321-032 Portion
PROJECT NO: C2004-416

FILE NO: S030174C
PARCEL NO: 9

**EXHIBIT C**

Ownership Vesting

DRAFT

Irene Y. Castillo, a Single Woman, as to an undivided 1/5 interest;

Juanita Ybarra, a Widow, as to an undivided 1/5 interest;

Rosemary Carlon, a Married Woman, as her Sole and Separate property as to an undivided 1/5 interest;

The Heirs of Albert M. Ybarra, as to an undivided 1/5 interest; and

Paul M. Ybarra, as to an undivided 1/5 interest, all as Tenants in Common.

2-71
~~5-47~~

# Fax Cover Sheet

To: Andrea Miller Fax # 781-5624

From: Laurel Maas Fax # 541-5339

Date: 4/14/05 Phone # WK # 541-5330 x18
Cell # 574-0826
Home # 929-4593

Total Number of Pages 2

Subject Proposed project County File No: SD30174C

5-48

**Honey Grove Homeowner's Association**
**Nipomo, California**

April 11, 2005

Dear Mr. Chairperson:

Our homeowner's association is comprised of thirty-two homes in a rural neighborhood occupied mainly by families with school aged children. Many of us were drawn to this street due to its private road, country feel, and for the environment in which our children could safely play. The primary objective of our association is the maintenance and upkeep of our private road.

It is extremely important to us that the Southland entrance to Honey Grove Lane not be used during the construction of the new development. There are a number of reasons why we would prefer that the Story entrance to Honey Grove Lane be used. Our reasons are twofold: 1) the heavy equipment and over usage will damage our road, and 2) the safety of our children.

As stated previously, our association uses annual dues to maintain our private road. At no time has our association been contacted by the developers to request access to our road. Both ends of our street contain "Private Road" signage yet the construction vehicles continue to access our road without permission. Who will cover the expense that each of us incurs to repave our street due to it's over utilization or to clean out our drainage areas due to the high levels of dirt and erosion? These are real costs to our families.

The north end of Honey Grove Lane has a deep downward slope before reaching the new development. There are ten homes at the bottom of the slope which house more than ten elementary school-aged children, a licensed day care, and a licensed group home for developmentally disabled children. We have all witnessed careless driving at high speeds which are putting our families in danger when there is an alternate route that can be easily utilized.

We are within our rights to limit access on our road as it is owned by us. We respectfully request that the Board enforces this with the developers of the new homes on Honey Grove Lane in order to keep our street safe and clean.

Respectfully,

Jeff Cool
Chairman