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SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

DATE: MARCH 6, 2006

TO: SUBDIVISION REVIEW BOARD

FROM: ELIZABETH KAVANAUGH, INLAND PLANNER

RE: DENIAL FINDING FOR PARCEL MAP CO 05-0016 (SUB2004-00346) USING A TRANSFER DEVELOPMENT CREDIT - CONTINUED FROM JANUARY 9. 2006.

## SUMMARY

The Subdivision Review Board conducted a public hearing for this proposed project on January 9, 2006. Your Board took a tentative action to deny the application. You directed staff to return on this date with findings for denial of the tentative map. These proposed findings are attached to this memorandum as Exhibit A.

## RECOMMENDATION

Adopt the attached findings denying the subject tentative parcel map.

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600
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**REVISED FINDINGS - EXHIBIT A**
CO 05-0016/ SUB 2004-00346
Based on direction from Subdivision Review Board - January 9, 2006

*Environmental Determination*

A. This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.

*Tentative Map*

B. The proposed map is inconsistent with applicable county general and specific plans because it does not comply with General Goal 8 of Framework for Planning that states that a distinction between urban and rural development should be maintained to enhance the pattern of identifiable communities. The proposed subdivision is located between the city of Atascadero and the community of Garden Farms. The existing larger lots of this area create separation between these two communities. The proposed subdivision will erode this separation between these communities because it creates three approximately 1.5 acre parcels that are similar to parcels sizes within these communities.

C. The proposed map is inconsistent with applicable county general and specific plans because General Goal 9 of Framework for Planning because it would erode the rural character of this area between the city of Atascadero and the community of Garden Farms by allowing for lot sizes that are consistent with the Residential Suburban land use category found in urban and village areas.

D. The proposed map is not consistent with the county zoning and subdivision ordinances because although the parcel map may technically meet the criteria to be a receiving site, it doesn't meet the "intent" of Chapter 22.24 (TDC Ordinance) as the intent of the ordinance is to send development to more suitable areas and this site is ***not*** more suitable because it has the potential to be subdivided without the use of TDCs consistent with the size of surrounding parcels, is located outside of an urban area and therefore is not served by full public services and would create parcel sizes that are substantially smaller (1.5 acres) than those in the area (average of 2.8 acres) and therefore would be inconsistent with the pattern of development in the area.

E. The site is not physically suitable for the type of development proposed as there would not be adequate area for development of three single family residences and the required septic systems and expansion areas.

F. The site is not physically suitable for the density of the development proposed because the site cannot adequately support three primary dwellings and the required septic systems and expansion areas, there are drainage issues that would be exacerbated by development of three primary residences, and the density proposed would be inconsistent with the pattern of development in the area.

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

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

## SUBDIVISION REVIEW BOARD

| MEETING DATE | CONTACT/PHONE | APPLICANT | FILE NO. |
|---|---|---|---|
| January 6, 2006 | Elizabeth Kavanaugh<br>805/788-2010 | Barre Family Trust | CO 05-0016<br>SUB2004-00346 |

SUBJECT

Request by Barre Family Trust for Tentative Parcel Map CO 05-0016 to subdivide an existing 5.1 acre parcel into three parcels of approximately 1.7 acres each for the purpose of sale and/or development and designate the project site as a TDC Receiver Site. The proposed project is within the Residential Suburban land use category and is located on the southwestern side of San Antonio Road, approximately 1,500 feet southeast of Santa Margarita Road, southeast of the City of Atascadero. The site is in the Salinas River 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 Vesting Tentative Parcel Map CO 05-0016 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 that the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulation section 15000 et seq.) has been issued on September 12, 2005 for this project. Mitigation measures are proposed to address biology.

| LAND USE CATEGORY | COMBINING DESIGNATION | ASSESSOR PARCEL NUMBER | SUPERVISOR DISTRICT(S) |
|---|---|---|---|
| Residential Suburban | None | 059-141-053 | 5 |

PLANNING AREA STANDARDS:

Planning Impact Area –Atascadero and Shared Driveways

LAND USE ORDINANCE STANDARDS:

None

EXISTING USES:

A single-family residence

SURROUNDING LAND USE CATEGORIES AND USES:

*North:* Residential Suburban / residences
*East:* Residential Suburban / residences
*South:* Residential Suburban / residences
*West:* Residential Suburban / residences

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

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| OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, County Parks, CDF, and the City of Atascadero and the Santa Margarita Advisory Counsel | |
|---|---|
| TOPOGRAPHY: Gently sloping | VEGETATION: Non native grasses and oaks |
| PROPOSED SERVICES: Water supply: Community system<br>Sewage Disposal: Individual septic system<br>Fire Protection: CDF | ACCEPTANCE DATE: June 2, 2005 |

ORDINANCE COMPLIANCE:

*Project conforms to San Luis Obispo County Ordinance standards as follows:*

*Minimum Parcel Size*
The minimum parcel size is 2.5 acres based upon the planning area standard for the site. The applicant is requesting a subdivision of a parcel that would result in parcels below 2.5 acres based on the provision of the county TDC program.

*TDC Receiver Site*
Under Salinas River Planning Area rural standards, the site qualifies for a 2.5 acre minimum parcel size. The applicant, however, has requested to be a Transfer of Development Credit (TDC) receiver site. The site qualifies as a receiver site as follows:
1. The project is recommended for a mitigated negative declaration;
2. The site is not within agricultural preserve;
3. The site is within five miles of an urban reserve line;
4. The footprint of development is located on less than 30 percent slopes;
5. The footprint development is outside of SRA, FH, GSA, Earthquake Fault Zone and the very high Fire Hazard
6. The footprint of development is outside of a significant biological, geographical or riparian habitat as defined by the Natural Areas Plan (appendix B of the Ag and Open Space Element of the general plan); and
7. The development complies with all development standards; water, sewage disposal and access standards and all land division standards as set forth in Titles 19, 21, and 22.

The base density of this project is based on the planning area standard, which is one parcel per 2.5 acres. Through a standard subdivision, this lot could be subdivided into two 2.5-acre lots. Section 22.24.070.B.2.d, the TDC section, allows a bonus density of 50 percent of the base density for lots located within 2.5 miles from an Urban Reserve Line. This project is a little over a mile from Atascadero's Urban Reserve Line which qualifies this subdivision for a 50 percent bonus density (one extra lot) for a total of three lots. The parcel(s) after division shall not be less than the lowest minimum parcel size allowed by the land use category. The proposed parcels are 1.7 acres each, larger than the one-acre minimum parcel size in Residential Suburban land use category. This site would otherwise qualify for the one-acre minimum parcel size absent the planning area standard that sets a 2.5-acre minimum parcel size. One transfer of development credit will need to be retired prior to recordation of the final map.

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Secondary Dwellings- The land use ordinance prohibits secondary dwelling in this area. Notice of this is required in the additional map sheet.

Underground Utilities – This project is conditioned to provide underground utilities per section 22.10.160.

*Quimby Fees*
Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing, park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

*Affordable Housing Fees*
Sections 18.07 et. seq of Title 18 of the County Code establishes an in-lieu fee of 3.5% of the public facility fee for all new land divisions. This allows recognized affordable housing projects to be exempted from public facility fees.

*Design Standards*
The proposed parcels are consistent with the design criteria set forth in Chapter 3 of the Title 21 of the Real Property Division Ordinance.

PLANNING AREA STANDARDS:
*Project conforms to the Salinas River Planning Area standards as follows:*

Minimum Parcel Size -The minimum parcel size for land division in the South Atascadero area is 2.5 acres. This project proposes the use of a TDC credit. When TDC credits are used in subdivisions the base density is the minimum parcel size. In this case because the area plan minimum parcel size 2.5 acres, this is the base density for the proposed subdivision.

Planning Impact Area – Atascadero: This project is located adjacent to the City of Atascadero. The county is required to refer projects close to the city, to the city for comments. This project was referred to the city of Atascadero on May 11, 2005. No response was received.

Shared Driveways: Shared driveways are encouraged in this area. This project proposes two driveways for three lots. Staff recommends all three proposed lots access off the existing driveway for two reasons:

- The site for the new driveway will impact at least one oak tree, while the existing driveway could be extended without any impact to oak trees or other sensitive vegetation.
- It meets the guideline of the Salinas River Area Plan.

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ENVIRONMENTAL DETERMINATION

This project has been issued a Negative Declaration. In addition, this project provides the environmental benefits set forth in the Negative Declarations prepared for the adoption of the of the TDC program in that the program moves development that could occur in outlying areas closer to services and shopping. The benefits of the TDC program are: reduced air pollution, reduced traffic, minimizing sprawl, and permanently protecting land that has agricultural and/or natural resources value.

COMBINING DESIGNATIONS:

None

ADDITIONAL COMMENTS

Neighborhood Compatibility -The proposed parcel sizes are approximately 1.7 acres. The parcel sizes in the vicinity of the site are between 2.5 acres and five-acre parcels. The proposed parcels are smaller than the existing parcels in the immediate vicinity.
Density – The proposed lot is approximately 5.5 acres. This lot could subdivide into two lots of 2.5 acres through the traditional subdivision process. This TDC subdivision increases the density of this site by one lot.

AGENCY REVIEW
Public Works – Street improvements on San Antonio Road and Pasadena Road
Environmental Health – Prior to final map recordation, comprehensive soil testing required for lots two and three.
County Parks - Pay Quimby fees and building fees
City of Atascadero – No comment
CDF – Issued a Fire Safety letter dated June 8, 2005
Santa Margarita Advisory Counsel – This project was reviewed at the October 12, 2005 Santa Margarita Area Advisory Counsel meeting. Concerns about cumulative impacts, water availability, septic systems, and that it set a precedent.

LEGAL LOT STATUS:
A recorded map legally created the one lot

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## 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 that the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulation section 15000 et seq.) has been issued on September 12, 2005 for this project. Mitigation measures are proposed to address Biology.

*Tentative Map*

B. The proposed map is consistent with applicable county general and specific plans because it is being subdivided in a consistent manner with the Residential Suburban land use category and has included the Salinas River area plan standard of 2.5 acre minimum parcel size as the base density for this TDC subdivision.

C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.

D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances.

E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of three single-family residences.

F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support three primary dwellings.

G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the site is not critical habitat fish or wildlife and the vicinity is already developed with a single family residence.

H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

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*Transfer of Development Credit (TDC) Receiver Site.*

J. The site qualifies as a TDC Receiver Site as follows: (1) the project is recommended for a mitigated negative declaration; (2) the site is not within agricultural preserve; (3) the site is within 10 miles of an urban reserve line (adjacent to the Atascadero urban reserve line); (4) the applicant has designated building sites and access drives where footprint of development is located on less than 30 percent slopes; (5) the footprint of development is outside of SRA, FH, GSA, Earthquake Fault Zone and the Very High Fire Hazard Area, because none of the site is located within these areas; (6) the footprint of development is outside of a Significant Biological, Geographical or Riparian Habitat as defined by the Natural Areas Plan (appendix B of the Ag and Open Space Element of the general plan) because none of the site is located within these areas and (7) the development complies with all development standards, water, sewage disposal and access standards and all land division standards as set forth in Titles 19, 21, and 22.

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**EXHIBIT B**
**Conditions of Approval for CO 05-0016**

**Approved Project**

1. This approval authorizes the division of subdivide an existing 5.1-acre parcel into three parcels of approximately 1.7 acres each for the purpose of sale and/or development and designate the project site as a TDC Receiver Site.

**Access and Improvements**

2. San Antonio Road shall be widened to complete an A-1 section fronting the property.

3. Pasadena Road constructed to a 2/3 A-1 section fronting the property and continuing back to a paved County Maintained Road (paved portion of Pasadena Road). Minimum improvement width shall be 18 feet and minimum right-of-way width to be 40 feet.

4. The applicant shall offer for dedication to the public by certificate on the map or by separate document:
   a. For future road improvements, 25 feet along Pasadena Road to be described as southerly 25 feet of parcel three.
   b. For road widening purposes, five feet along San Antonio Road to be described as 25 feet from recorded centerline.

5. A private easement shall be reserved line on the map for access to lot two. Access easement shall begin at existing driveway and travel along the southern side of the parent parcel.

6. All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

**Improvement Plans**

7. 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 Health Department for approval. The plan is 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.
   g. If oak trees must be removed, a tree removal/retention plan for trees to be removed and retained associated with the required improvement for the land division to be approved jointly with the Department of Planning and Building.

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8. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, 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.

9. 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.

**Drainage**

10. Submit complete drainage calculations to the Department of Public Works for review and approval.

11. If calculations so indicate, drainage must be retained/detained 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.

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

13. The existing drainage swale(s) to be contained in drainage easement(s) dedicated on the map.

14. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase II storm water program. Provided WDID to Department of Public Works.

**Wastewater Disposal and Water**

15. **Prior to the filing of the final parcel map**, the applicant shall submit to and be jointly approved by the county Department of Planning and Building and Health Department, results of percolation tests and the log or logs of soil borings performed by a registered civil engineer. For this purpose, the applicant shall perform one or more soil borings to be a minimum depth of ten (10) feet in the area of the appropriate area of the proposed sewage disposal system to determine the: a) subsurface soil conditions, (example: impermeable strata which act as barriers to the effective percolation of sewage); b) presence of groundwater; c) separation between sewage disposal saturation areas and groundwater; d) borings shall be as deep as necessary below the proposed on-site disposal area to assure required separation. The applicant must perform a minimum of three (3) percolation test holes, to be spaced uniformly in the area of the proposed sewage disposal system, for parcel two and three only.

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**Utilities**

16. Electric and telephone lines shall be installed underground.

17. Cable T.V. conduits shall be installed in the street.

18. Gas lines shall be installed.

**Design**

19. The lots shall be numbered in sequence.

20. The lot area of lots one and two all contain a minimum area of .9 of an acre exclusive of area shown for rights of way and any easement that limits the surface use for building construction per Section 22.22.030.

21. **Prior to the filing of the final parcel map,** the applicant shall remove the guesthouse shown as EX BLD on proposed parcel one.

22. **Prior to the filing of the final parcel map,** the applicant shall remove or bring into conformance with Title 22 the primary residence on proposed parcel one.

**Fire Protection**

23. **Prior to filing the final parcel map,** the applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements of the Fire Safety letter dated June 8, 2005.

**Parks and Recreation (Quimby) Fees**

24. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels shown on the map that do not already have legal residential units on them.

**Affordable Housing Fee**

25. **Prior to filing the final parcel map,** the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

**TDC Program**

26. **Prior to recordation of the final map,** the applicant shall release their ownership in the Receipt of Transfer or the Certificate of Sending Credits to the Department of Planning and Building. Acceptance of the release shall only occur if the credits are located in conformance with Section 22.24.090 of Title 22. The Director shall notify the TDC Administrator of the release and specify the registration numbers of the credits that were used. After release, the credits are no longer valid and available for use.

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**Landscaping**

27. If a drainage basin is required, then submit detailed landscaping plans in compliance with section 22.04.180 et seq. to the Department of Planning and Building for review and approval **prior to filling of the final parcel map.** Said plans to include location, species, size, and method of maintenance of all proposed plant materials. All proposed plant materials shall be of a drought tolerant variety and be sized to provide a mature appearance within three years on installation. Plan to include:
    a. Drainage basin fencing (only if the drainage basin has a depth of two feet or greater as measured from the top of the rim to the lowest portion of the basin.
    b. Drainage basin perimeter landscape screening. (Only used for fences basins)
    c. Landscaping for erosion control.

**Additional Map Sheet**

28. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of PublicWorks. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
    a. That secondary dwellings or guesthouses shall not be allowed on all lots within the land division.
    b. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
    c. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
    d. A notice that no construction permits will be given a final inspection until the fire safety conditions established in the letter dated June 8, 2005 from the California Department of Forestry (CDF)/County Fire Department are completed. **Prior to occupancy or final inspection,** which ever occurs first, the applicant shall obtain final inspection approval of all required fire/life safety measures.
    e. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
        1. Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
        2. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.
    f. At the time of application for construction permits, the applicant shall clearly delineate the building site(s), driveway, and drainage swale easement. All new development (e.g. residences, detached garages, guest houses, sheds, access roads and driveways) shall be located where no oak trees are removed or alter existing drainage swale easements.

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g. That approval of the subdivision included the use of Transfer Development Credits, the number of credits used, their registration numbers, and the location and assessor's parcel numbers of the sending site
h. At the time of application for construction permits, the applicant shall clearly delineate the building site(s), driveways, and all structural improvements. All new development shall be located to avoid removal of oak trees.
i. If the oak tree removal cannot be avoided, at the time of application of, grading permits and/or construction permits, the applicant shall submit a tree replacement plan to be reviewed and approved by the Environmental Coordinator. The plan shall provide for the replacement, in kind for the planting, in kind at a 4:1 ratio, of four oak trees to mitigate for one tree to be removed. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).
j. Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines). These newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding (minimum of once early Fall and once early Spring) of at least a three-foot radius out from plant and adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three-year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.
k. **Prior to commencement of tree removal,** to avoid conflicts with nesting birds, tree removal shall not be allowed during the nesting season (March through August), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to the County (Environmental Division), possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the county.

**Covenants, Conditions, and Restrictions**

29. If the County Public Works Department requires a drainage retention/detention basin, the developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:
    a. On-going maintenance of drainage basin and adjacent landscaping in a viable condition on a continuing basis into perpetuity.
    b. Maintenance of common areas.

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**Miscellaneous**

30. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and septic tanks, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.

31. Applicant shall file with the Department of Public Works an application requesting apportionment of any unpaid assessments under the Improvement Bond Act of 1915, in compliance with Section 8740.1 of the Streets and Highways Code of the State of California. Said apportionment must be completed prior to filing the map.

32. All timeframes on approved tentative maps for filing of final parcel are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

Staff report prepared by Elizabeth Kavanaugh
and reviewed by Kami Griffin, Supervising Planner

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STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS
USING COMMUNITY WATER AND SEPTIC TANKS

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

2. 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.

3. 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.

4. 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.

5. 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)

6. On-site systems that are in conformance with the county-approved Central Coast Regional Water Quality Control Board basin plan will be an acceptable method of sewage disposal, until public sewers may become available.

7. No sewage disposal system installations are to be placed closer than 100 feet from the top of any perennial or continuous creek banks, drainage swales or areas subject to inundation.

8. For parcels created with approved community (public) water but no community sewers, the approved on-site sewage disposal systems shall be designed, where feasible, for ease in ultimate sewering.

9. Sewage disposal systems shall be separated from any individual domestic well and/or agricultural well, as follows: 1) leaching areas, feed lots, etc., one hundred (100) feet and bored seepage pits (dry wells), one hundred and fifty (150) feet. Domestic wells intended to serve multiple parcels or 25 or more individuals at least 60 days out of the year shall be separated by a minimum of two hundred (200) feet from a leachfield, two hundred and fifty (250) feet from seepage pits or dry wells.

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10. Sewage disposal systems installed on slopes in excess of 20% shall be designed and certified by a registered civil engineer or geologist and submitted to the county Planning and Health Departments for review and approval prior to the issuance of a building permit. Consultants shall determine geologically stable building sites and sewage disposal for each parcel, including evaluations of hillside stability under the most adverse conditions including rock saturation and seismic forces. Slopes in excess of 30% are not considered suitable or practical for on-site subsurface sewage disposal.

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

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

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

14. 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.

15. Required public utility easements be shown on the map.

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

17. 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.

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

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

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

21. 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.

22. 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.

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

1-17

Gilbert A. & Cheryl E. Scott
5026 Ludgate Drive
Agoura, CA 91301
(818) 889-9577

7 December 2005

Ms. Elizabeth Kavanaugh, Project Manager
Department of Planning and Building
San Luis Obispo County, CA

CC: Ms. Kami Griffin

RE: SUB2004-00346 – Parcel 059-141-053

Dear Ms. Kavanaugh:

We have examined the Revised Parcel Map (CO 05-0016) submitted by Mssrs. Burgett, Barre and Barre and provided to us by Twin Cities Surveyors. As we informed you and the Board earlier, the corrections satisfactorily fixed the problems we cited in our letter on 25 October 2005.

We continue to have the other concerns as expressed in our second letter dated 4 November 2005. These included concern over the applicability of the TDC process in this case, the potential for lowering of the values of our parcel and the inadequacy of utility (e.g. roads) support.

After further examination of the new parcel map and the Staff Report we would like to raise another concern.

As previously mentioned we have long, personal experience with the parcel in question and our parcel since they were once joined. Historically, the leach field supporting the septic system of the house on 14250 San Antonio Road was on the front portion of 14330. At its peak, occupancy of 14250 was four adults. The leach field was barely adequate showing signs of saturation and surface pooling. In 1998 the leach field was relocated as a part of the partition action. It is now under the driveway at 14250. Further, it was our experience that, during periods of winter rain, the middle and upper portions of both parcels became very saturated and muddy to the point that horses could not cross the worst areas.

Our specific concern is that the two upper lots proposed for Parcel 053 will require septic systems that are, at best, difficult and, at worst, inadequate. We are worried that sewage will flow onto our property via the stream-like depression near the boundaries if either of these systems becomes overtaxed. We understand that the percolation tests will be performed only after this matter is approved. However, it is our opinion that the

petitioner should be required to provide analysis that insures there will be no outflow onto our parcel especially during the wet months.

Sincerely,

Gilbert A. Scott, Owner

Cheryl E. Scott, Owner

1-19

STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS
USING COMMUNITY WATER AND SEPTIC TANKS

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

2. 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.

3. 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.

4. 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.

5. 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)

6. On-site systems that are in conformance with the county-approved Central Coast Regional Water Quality Control Board basin plan will be an acceptable method of sewage disposal, until public sewers may become available.

7. No sewage disposal system installations are to be placed closer than 100 feet from the top of any perennial or continuous creek banks, drainage swales or areas subject to inundation.

8. For parcels created with approved community (public) water but no community sewers, the approved on-site sewage disposal systems shall be designed, where feasible, for ease in ultimate sewering.

9. Sewage disposal systems shall be separated from any individual domestic well and/or agricultural well, as follows: 1) leaching areas, feed lots, etc., one hundred (100) feet and bored seepage pits (dry wells), one hundred and fifty (150) feet. Domestic wells intended to serve multiple parcels or 25 or more individuals at least 60 days out of the year shall be separated by a minimum of two hundred (200) feet from a leachfield, two hundred and fifty (250) feet from seepage pits or dry wells.

1-20

1-18

10. Sewage disposal systems installed on slopes in excess of 20% shall be designed and certified by a registered civil engineer or geologist and submitted to the county Planning and Health Departments for review and approval prior to the issuance of a building permit. Consultants shall determine geologically stable building sites and sewage disposal for each parcel, including evaluations of hillside stability under the most adverse conditions including rock saturation and seismic forces. Slopes in excess of 30% are not considered suitable or practical for on-site subsurface sewage disposal.

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

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

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

14. 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.

15. Required public utility easements be shown on the map.

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

17. 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.

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

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

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

21. 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.

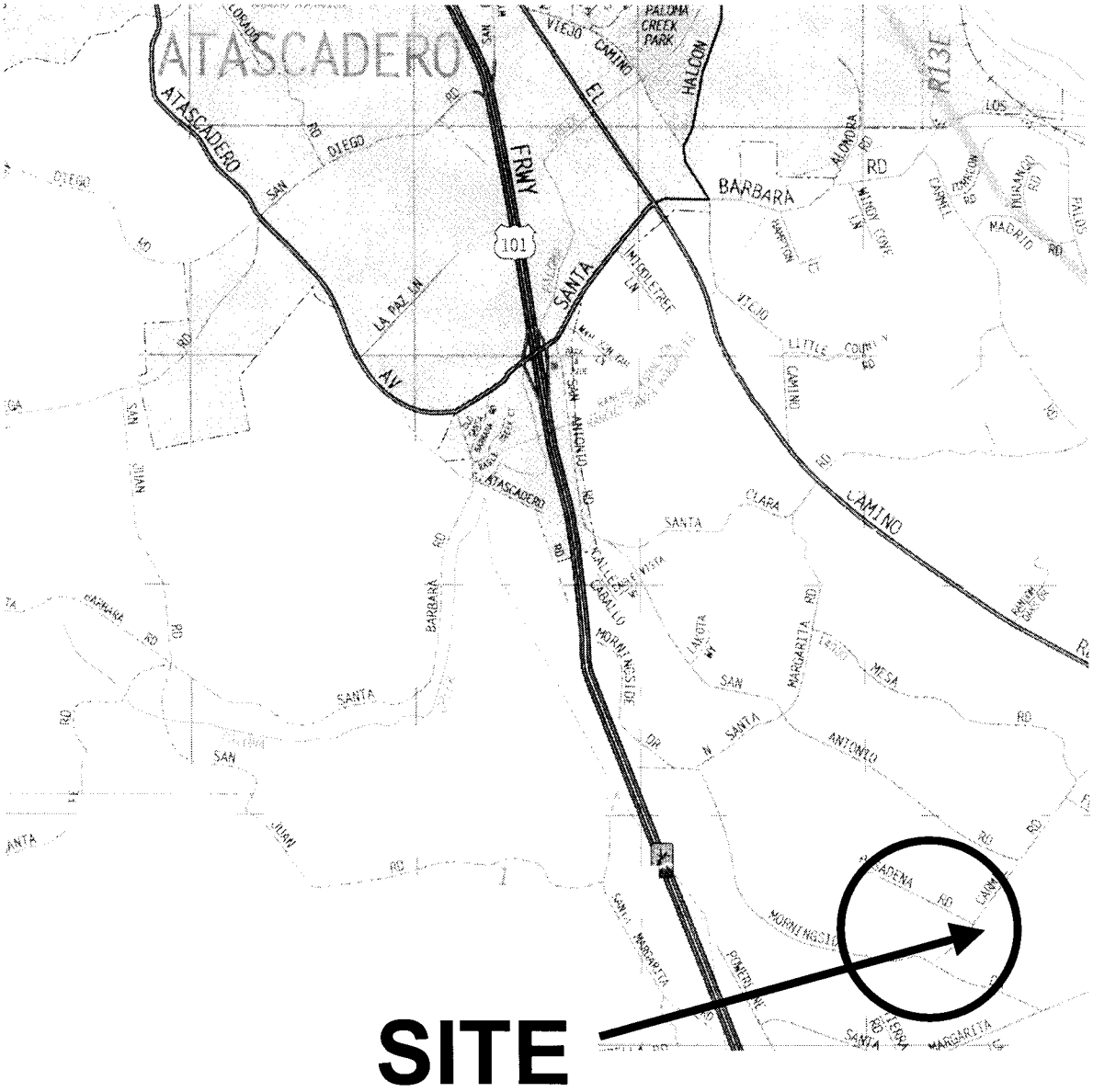
22. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.

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

1-21

1-19

**SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING**




**PROJECT**

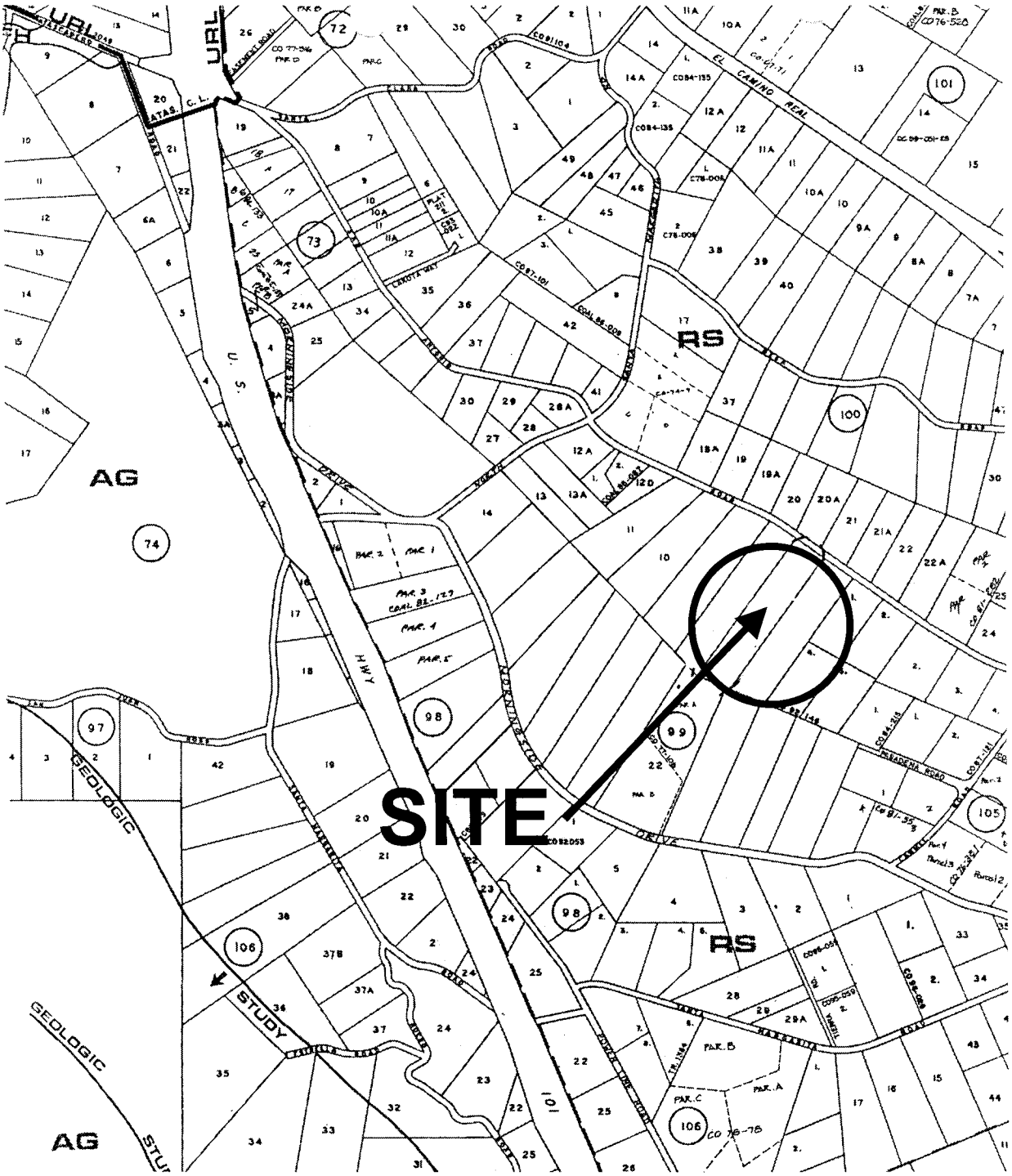
Land Divisions
Burgett SUB2004-00346

**EXHIBIT**

Vicinity Map

1-22

**SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING**




**PROJECT**

Land Divisions
Burgett SUB2004-00346

**EXHIBIT**

Land Use Category

1-23

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

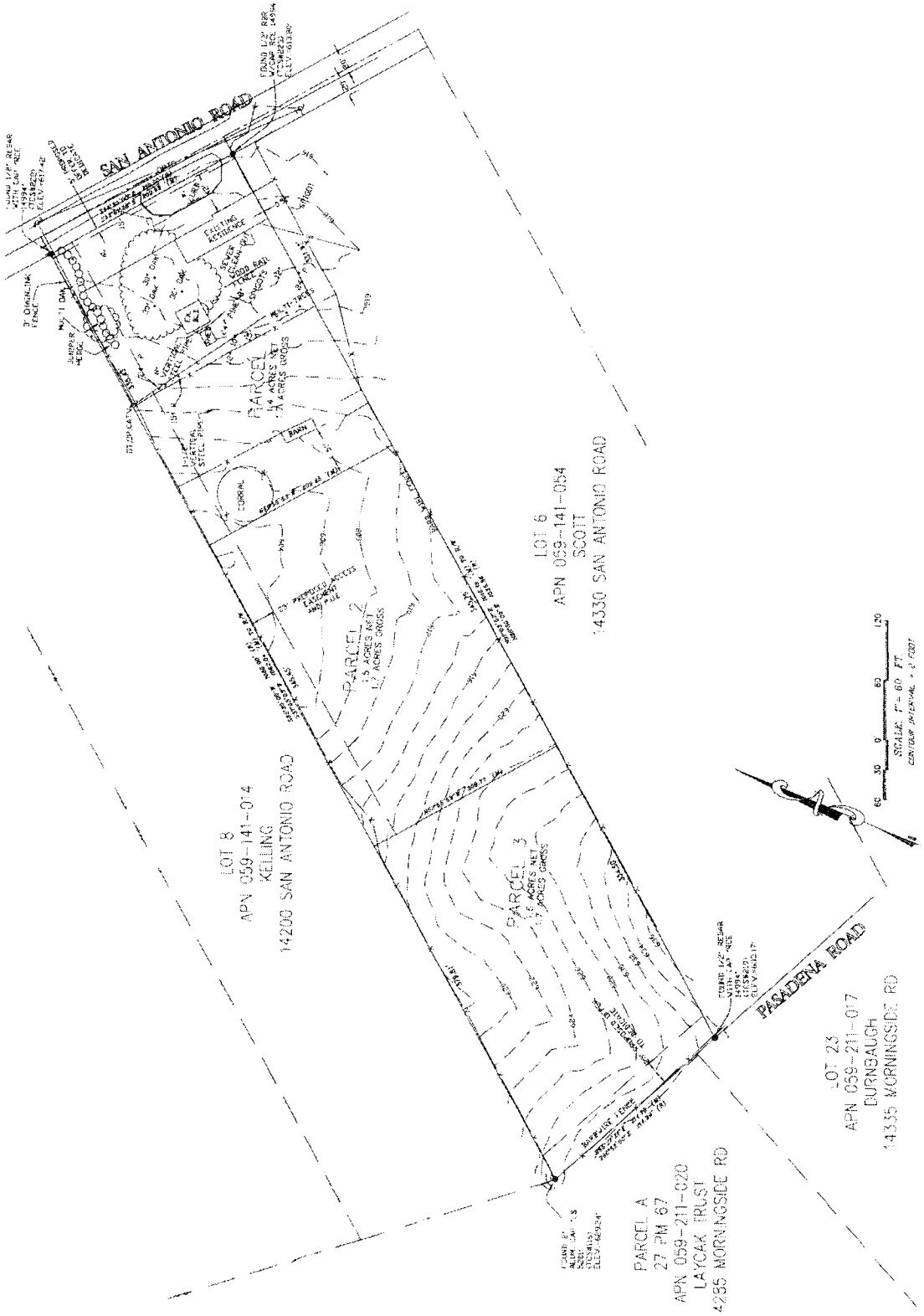
**PROJECT**

Land Divisions
Burgett SUB2004-00346

**EXHIBIT**

Bird's eye View

**SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING**




**PROJECT**

Land Divisions
Burgett SUB2004-00346

**EXHIBIT**

Parcel Map

E 1-25

# CDF/San Luis Obispo County Fire Department

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

June 8, 2005

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

Subject: Parcel Map Project # Burgett SUB2004-00346

Dear North County Team,

I have reviewed the referral for the parcel map plans for the proposed three parcel subdivision project located at 14250 San Antonio Rd., Atascadero. This project is located approximately 12-15 minutes from the closest CDF/San Luis Obispo County Fire Station. The project is located in State Responsibility Area for wildland fires. It is designated a High Fire Severity Zone. This project is required to comply with all fire safety rules and regulations including the California Fire Code, the Public Resources Code and any standards referenced therein.

The following conditions will apply to this project:

**Access Road**

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

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

- The road must be 18 feet in width and an all weather surface.
- If the road exceeds 12% it must have a non-skid paved surface.
- Roads may not exceed 16% without special mitigation and shall not exceed 20%.
- All roads must be able to support a 20 ton fire engine.

- Road must be named and addressed including existing buildings.
- A turnaround must be provided if the road exceeds 150 feet.
- Vertical clearance of 13'6" is required.

**Driveway**

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

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

**Water Supply**

The following applies:

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

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

**Fuel Modification**

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

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

Sincerely,

Gilbert R. Portillo
Fire Inspector

c: Mr. Eugene H. Barren Jr.
Twin Cities Surveying, inc.

1-27

# Santa Margarita Area Advisory Council

**P. O. Box 627**
**Santa Margarita, CA 93453**

November 2, 2005

Subdivision Review Board
Planning and Building Department
County Government Center
1055 Monterey Street
San Luis Obispo, CA 93408

Dear Chairman and Board Members,

On October 12, 2005 the Santa Margarita Area Advisory Council (SMAAC) reviewed the Burgette/Barre TDC project (sub2004-00346) in South Atascadero. Neither of the following two motions passed.

(1) MSF Barrett/Blakely 6/8/2, as follows:

SMAAC recommends neither approval nor denial and sends the following comments to the Subdivision Review Board:

1) There are cumulative impacts.
2) There are concerns about water availability and septic systems.
3) It sets a precedent.

(2) MSF Sullivan/Horwath 8/9, as follows:

SMAAC recommends approval as submitted.

No other motions were offered.

Sincerely,

C.Z. Whitney
Chairman, SMAAC

cc: James Caruso
Elizabeth Kavanaugh
Pamela Jardini

:czw

1-28

# County of San Luis Obispo • Public Health Department

*Environmental Health Services*
*2156 Sierra Way • P.O. Box 1489*
*San Luis Obispo, California 93406*
*(805) 781-5544 • FAX (805) 781-4211*

*Gregory Thomas, M.D., M.P.H.*
*County Health Officer*
*Public Health Director*

*Curtis A. Batson, R.E.H.S.*
*Director*

May 4, 2005

Planning Solutions
1360 New Wine Place
Templeton, CA 93465

**ATTN: PAMELA JARDINI**
**RE: TENTATIVE PARCEL MAP CO 05-0016 (BARRE)**

Water Supply

This office is in receipt of a **preliminary** can and will serve letter from the Atascadero Mutual Water Company to provide water to the above referenced project.

Be advised that a final will serve letter will be required prior to recordation of the final map. Water distribution improvements shall be built to each parcel or construction of the water line improvements may be delayed by way of a county approved performance bond.

Wastewater Disposal

A system is currently located on proposed parcel 1. Comprehensive soil testing will be required for proposed parcel 2 and 3 prior to final recordation. Individual wastewater disposal systems, designed and constructed to meet county and state requirements, should adequately serve the parcels.

**CO 05-0016** is approved for Health Agency subdivision map processing.

Laurie A. Salo

LAURIE A. SALO, R.E.H.S.
Senior Environmental Health Specialist
Land Use Section

c: Kami Griffin, County Planning
North County Team, County Planning
AMWC
Barre Family Trust, Owners

SUB2004-00346

1-29

27

SAN LUIS OBISPO COUNTY

# DEPARTMENT OF PLANNING AND BUILDING

05 MAY 12 AM 9:31

VICTOR HOLANDA, AICP
DIRECTOR

**THIS IS A NEW PROJECT REFERRAL**

**DATE:** 5/11/05

**TO:** Parks

**FROM:** North Co. Team
(Please direct response to the above)

Burgett / Bane.
CO 05-0016
SUB 2004-00346
Project Name and Number

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

PROJECT DESCRIPTION: Parcel map -> using TDCs. Dividing (1) 5.4 acre lot into 3 lots, ranging between 1.5 & 1.7 acres. Located off San Antonio in Atascadero APN: 059-141-053. (existing SFD on site)

Return this letter with your comments attached no later than: 5/26/05

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

✓ YES
____ NO

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

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

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

Require payment of Quimby & applicable Building Division fees

06/06/05 — Date
JAN DI CEO — Name
4089 — Phone

M:\PI-Forms\Project Referral - #216 Word.doc
Revised 4/4/03

1-30

1-28

**Mike Goodwin/PubWorks/COSLO**
12/07/2005 05:24 PM

To Elizabeth Kavanaugh/Planning/COSLO@Wings
cc
bcc
Subject Re: SUB 2004-00346 Burgess

History: This message has been replied to.

Add a condition after "San Antonio Rd widened to complete..."

Pasadena Road constructed to a 2/3 A-1 section fronting the property and continuing back to a paved County Maintained Road (paved portion of Pasadena Road). Minimum improvement width shall be 18 feet and minimum right-of-way width to be 40 feet.

ER

1-31

SAN LUIS OBISPO COUNTY

# DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

**THIS IS A NEW PROJECT REFERRAL**

DATE: 5/11/05

FROM PW

FROM: North Co. Team
(Please direct response to the above)

Burgett
CO 05-0016
SUB 2004-00346
Project Name and Number

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PROJECT DESCRIPTION: Parcel map -> using TDCs. Dividing (1) 5.4 acre lot into 3 lots, ranging between 1.5 & 1.7 acres. Located off San Antonio in Atascadero APN: 059-141-053. (existing SFD on site)

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____ NO

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

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

NO TITLE REPORT. WHO IS Burgett? Application & Parcel Summary Report Both say Barre is owner. Assuming everything is ready to go - stock conditions attached.

31 MAY 2005 — Date
GOODWIN — Name
5252 — Phone

M:\PI-Forms\Project Referral - #216 Word.doc
Revised 4/4/03

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600
EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: http://www.slocoplanbldg.com

**EXHIBIT B**

**CONDITIONS OF APPROVAL FOR** CO 05-0016

## Approved Project

This approval authorizes the division of a _____ acre parcel into _____ parcels of _____ ***acres / square feet*** each.

## Access and Improvements

☒ Roads and/or streets to be constructed to the following standards:

a. _____ constructed to a _____ section within a _____ foot dedicated right-of-way.

b. SAN ANTONIO Rd widened to complete a A-1 section fronting the property.

c. _____ constructed to a _____ section from the property to _____ (minimum paved width to be _____ feet).

☒ The applicant offer for dedication to the public by certificate on the map or by separate document:

a. For future road improvement _____ feet along _____ to be described as _____ feet from the recorded centerline.

b. For future road improvement 25 feet along PASADENA Rd to be described as Southerly 25 ft of Parcel 3

c. For road widening purposes 5 feet along SAN ANTONIO Rd, to be described as 25 feet from the recorded centerline.

d. The _____ foot road easement as shown on the tentative parcel map with a _____ foot radius property line return at the intersection of _____.

e. A _____ foot radius property line return at the intersection of _____.

f. The _____ foot road easement terminating in a county cul-de-sac as shown on the tentative map.

☐ The intersection of 1-33 and _____ be designed in accordance with California Highway Design Manual. 1-31

☐ Access be denied to lots_____ from _____ and that this be by certificate and designation on the map.

☐. The future alignment of _____ shall be shown on the map as reserved for future public right-of-way.

☒ A private easement be reserved on the map for access to lots 2 & 3.

☐ A practical plan and profile for access to lots _____ be submitted to the Department of Public Works and the Department of Planning and Building for approval.

☒ All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

**Improvement Plans**

☒ 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 Health Department for approval. The plan is 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.
g. Tree removal/retention plan for trees to be removed and retained associated with the required improvement for the land division to be approved jointly with the Department of Planning and Building.
h. Trail plan, to be approved jointly with the Park Division.

☒ The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, 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.

☒ 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.

☐ If environmental permits from the Army Corps of Engineers or the California Department of Fish and Game are required for any public improvements that are to be maintained by the County, the applicant or his engineer, prior to the approval of the plans by the Department of Public Works shall:

a. Submit a copy of all such permits to the Department of Public Works OR
b. Document that the regulatory agencies have determined that said permit is not longer required.

## Drainage

1-34

1-32

- ☐ _____ is not capable of carrying additional runoff. Construct off-site drainage facilities for an adequate outlet, or provide evidence of adequate drainage easements.

- ☐ The existing drainage swale(s) to be contained in drainage easement(s) dedicated on the map.

- ☒ Submit complete drainage calculations to the Department of Public Works for review and approval.

- ☒ If calculations so indicate, drainage must be ***retained/detained*** 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.

- ☒ If a drainage basin is required, the drainage basin along with rights of ingress and egress be:
  - a. granted to the public in fee free of any encumbrance.
  - b. offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.
  - c. reserved as a drainage easement in favor of the owners and assigns.

- ☐ If a drainage basin is required, a zone of benefit be formed within _____ for maintenance of the drainage basin. Application to be filed with the The Department of Public Works Administrator.

- ☐ If a drainage basin is required, this development be annexed to _____ for maintenance of the drainage basin. Evidence of acceptance to be filed with the Department of Public Works.

- ☒ The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program. PROVIDE WDID # to COUNTY

## Wastewater Disposal

- ☐ Prior to the filing of the final parcel or tract map, the applicant shall submit to and be jointly approved by the county Department of Planning and Building and Health Department, results of percolation tests and the log or logs of soil borings performed by a registered civil engineer. For this purpose, the applicant shall perform one or more soil borings to be a minimum depth of ten (10) feet in the area of the appropriate area of the proposed sewage disposal system to determine the: a) subsurface soil conditions, (example: impermeable strata which act as barriers to the effective percolation of sewage); b) presence of groundwater; c) separation between sewage disposal saturation areas and groundwater; d) borings shall be as deep as necessary below the proposed on-site disposal area to assure required separation. The applicant must perform a minimum of three (3) percolation test holes, to be spaced uniformly in the area of the proposed sewage disposal system. (Parcel(s) _____, only).

- ☐ A community septic system shall be installed with a centralized leaching area and shall have a 100% or greater additional expansion area. The area for the community septic tank system and disposal area shall ***be granted in fee on the map to the appropriate maintenance agency for maintenance with the right of ingress and egress / shall be kept as open space within easement for sewage treatment purposes granted to a homeowner's association***. Impervious paving over a disposal area is not considered acceptable.

1-35

- ❑ A long term community septic tank and disposal area maintenance plan be submitted to the the Department of Public Works and Health Department and the Regional Water Quality Control Board for review prior to the filing of the final parcel or tract map.

- ❑ The community sewage system shall be designed by a Registered Civil Engineer and operated in accordance with county, state, federal and maintenance entity laws, standards and requirements. A waste discharge permit, if required, shall be issued by the Central Coast State Regional Water Quality Control Board prior to the filing of the final parcel or tract map.

- ❑ This land division shall be annexed to _____ prior to the filing of the final parcel or tract map for ***water service/water and sewer service/sewer maintenance/community septic system maintenance/_____***.

## Soils Report

- ❑ A final soils report by a Registered Civil Engineer be submitted for review prior to the final inspection of the improvements.

- ❑ Three (3) copies of a Preliminary Soils Report prepared by a Registered Civil Engineer in accordance with Sections 17953, 17954, 17955 of the California Health and Safety Code shall be submitted to the Public Works, Health and Planning and Building Departments prior to the filing of the final parcel or tract map. The date and person who prepared the report are to be noted on the map.

## Utilities

- ☒ Electric and telephone lines shall be installed ***underground / ~~overhead~~***.

- ☒ Cable T.V. conduits shall be installed in the street.

- ❑ Gas lines shall be installed.

- ❑ A _____ feet public utility easement on private property along _____, plus those additional easements required by the utility company, be shown on the final parcel or tract map.

## Design

- ❑ The lots shall be numbered in sequence.

- ❑ The _____ on lot _____ be removed or brought into conformance with the ***Land Use Ordinance / Coastal Zone Land Use Ordinance*** prior to filing the final parcel or tract map. A demolition permit may be required.

- ❑ The lot area of _____ shall contain a minimum area of _____ exclusive of area shown for rights of way and any easement that limits the surface use for building construction (Section 22/23.04.021).

- ❑ The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map.

## Vector Control and Solid Waste

- ❑ A determination of method of pick-up shall be specified by the waste handler and if centralized facilities for the pick-up are required, provisions shall be made within the project for central facilities that meet ***Land Use Ordinance / Coastal Zone Land Use Ordinance*** requirements for trash enclosures. If centralized facilities are established, this shall include provisions for recycling if service is available or subsequent installation of such facilities if recycling service becomes available in the future.

## Fire Protection

- ❑ Provide minimum fire flow of _____ gallons per minute as per nationally recognized standard. Fire flows to be maintained for a minimum two-hour duration.

- ❑ The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map.

- ❑ Designate a fire lane within all the driveway areas. This lane to be minimum width of twenty (20) feet. *(USE FOR MULTI-FAMILY/COMMERCIAL PROJECTS ONLY)*

## Parks and Recreation (Quimby) Fees

- ❑ Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total ***number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them / or the number of dwelling units proposed in the case of a condominium, stock cooperative, or community apartment project.***

- ❑ For subdivisions of less than five parcels that are not to be used for residential purposes, if a building permit is requested for construction of a residential structure or structures on one or more of the parcels created by this subdivision within four years of recordation of the map, the Quimby Ordinance fee specified in the county fee schedule shall be paid by the owner of each parcel as a condition for the issuance of such permit.

## Affordable Housing Fee

- ❑ Prior to filing the final parcel or tract map, the applicant 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 each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

## Easements

1-37

1-35

- ❑ The property owner shall grant an avigation easement to the county of San Luis Obispo. The avigation easement document shall be prepared, reviewed and approved by County Counsel prior to filing of the final parcel or tract map.

- ❑. An open space easement be recorded for the open space parcel(s). It is to be held ***in single ownership / in common by the Homeowner's Association / or transferred to a public trust or conservancy agency approved by the Department of Planning and Building***. The open space parcel is to be maintained as such in perpetuity.

## Landscape Plans

- ❑ ***If a drainage basin*** is required, then submit detailed landscaping plans in compliance with Section 22/23.04.180 et seq. to the Department of Planning and Building for review and approval prior to filing of the final parcel or tract map. Said plans to include location, species, size, and method of maintenance of all proposed plant materials. All proposed plant materials shall be of a drought tolerant variety and be sized to provide a mature appearance within three years of installation. Plan to include:

  a. Drainage basin fencing. *(ONLY USE IF THE DRAINAGE BASIN HAS A DEPTH OF 2 FEET OR GREATER AS MEASURED FROM THE TOP OF THE RIM TO THE LOWEST PORTION OF THE BASIN)*
  b. Drainage basin perimeter landscape screening. *(ONLY USE FOR FENCED BASINS)*
  c. Landscaping for erosion control.

- ❑ All approved landscaping shall be installed or bonded for prior to filing of the final parcel or tract map and thereafter maintained in a viable condition on a continuing basis. If bonded for, landscaping shall be installed within _____ days of completion of the improvements.

**Mitigations** *PUT ANY MITIGATIONS FROM DEVELOPER STATEMENT HERE* ***ONLY IF THEY CAN BE COMPLETED PRIOR TO THE RECORDATION OF THE MAP***

- ❑ _____

- ❑ _____

## Additional Map Sheet

- ❑ The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:

  *CHOOSE APPLICABLE PROVISIONS*

  a. That the owner(s) of lot(s) _____ is responsible for on-going maintenance of drainage basin fencing in perpetuity.
  b. That the owner(s) of lot(s) _____ is responsible for on-going maintenance of ***drainage basin / adjacent*** landscaping in a viable condition on a continuing basis into perpetuity.
  c. That secondary dwellings shall not be allowed on ***all lots within the land division / on lots*** _____.

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d. Designated building sites (and access drives) shall be shown on the additional map sheet reflecting the approved tentative map. **At the time of application for construction permits,** the applicant shall clearly delineate the approved building site and access drive on the project plans.

e. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.

f. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.

g. An agricultural buffer prohibiting residential structures, consisting of _____ feet over lots _____, shall be shown on the additional map sheet. This buffer shall become null and void on individual parcels within this subdivision, if the adjacent Agriculture land use category is changed or if any existing commercial agricultural business on adjacent parcels effecting this subdivision crease operation for a minimum of one year. **At the time of application for construction permits,** the applicant shall clearly delineate the agricultural buffer on the project plans.

h. The limits of inundation from a 100 year storm over lots _____ from _____ ***creek / river*** shall be shown on the additional map and note the required building restriction in the on the sheet.

i. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.

j. A notice that no construction permits will be given a final inspection until the fire safety conditions established in the letter dated _____ from the California Department of Forestry (CDF)/County Fire Department are completed. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection approval of all required fire/life safety measures.

k. Note to potential buyers and future owners of the property that the project is in an area from which combustion and petroleum-type odor complaints are frequently received by the Air Pollution Control District. The District Hearing Board has issued a nuisance abatement order which should improve the air quality in the Nipomo area; however, clean up is a lengthy process, therefore buyers of new lots should be advised that these conditions exist. *(ONLY USE IF WITHIN SOUTH COUNTY PLANNING AREA OR NEAR THE PLANT IN THE SAN LUIS BAY PLANNING AREA)*

l. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:

   A. Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.

   B. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

m. PUT ANY MITIGATIONS FROM DEVELOPER'S STATEMENT HERE ***ONLY IF THEY GO BEYOND RECORDATION OF THE MAP*** _____

_____

_____

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## Covenants, Conditions and Restrictions

☒ The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:

*CHOOSE APPLICABLE PROVISIONS*

a. On-going maintenance of drainage basin fencing in perpetuity.

b. On-going maintenance of ***drainage basin / adjacent*** landscaping in a viable condition on a continuing basis into perpetuity.

b. Maintenance of drainage basin landscaping.

c. Maintenance of common areas.

d. Secondary dwellings shall not be allowed.

e. Designated building sites (and access drives) shall be shown on an exhibit attached to the CC&R's reflecting the approved tentative map.

f. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.

g. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.

h. An agricultural buffer prohibiting residential structures, consisting of _____ feet over lots _____, shall be shown on an exhibit attached to the CC&R's. This buffer shall become null and void on individual parcels within this subdivision, if the adjacent Agriculture land use category is changed or if any existing commercial agricultural business on adjacent parcels effecting this subdivision crease operation for a minimum of one year.

i. Maintenance of all local streets within the subdivision until acceptance by a public agency.

j. The limits of inundation from a 100 year storm over lots _____ from _____ ***creek / river*** shall be shown on an exhibit attached to the CC&R's and note the required building restriction in the in the CC&R's.

k. Note to potential buyers and future owners of the property that the project is in an area from which combustion and petroleum-type odor complaints are frequently received by the Air Pollution Control District. The District Hearing Board has issued a nuisance abatement order which should improve the air quality in the Nipomo area; however, clean up is a lengthy process, therefore buyers of new lots should be advised that these conditions exist. *(ONLY USE IF WITHIN SOUTH COUNTY PLANNING AREA OR NEAR THE PLANT IN THE SAN LUIS BAY PLANNING AREA)*

l. _____

_____

## Low Cost Housing *(USE IN COASTAL ZONE ONLY)*

☐ Provide _____ residential units for low and moderate income families as defined by Section 50093 of the Health and Safety Code as part of the proposed project or elsewhere in the community. The agreement with the county for the development will include acknowledgment that it is feasible to provide a level of affordable housing in conjunction with this project. If qualified buyers have not purchased any of the _____ units within six months of the units being available for sale, and evidence can be provided that shows a reasonable advertising campaign was used to attract qualified buyers, the applicant may be relieved from the requirements to sell the units to qualified buyers.

## Miscellaneous

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- [x] This subdivision is also subject to the standard conditions of approval for all subdivisions using ***community water and sewer / community water and septic tanks / individual wells and septic tanks***, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.

- [ ] A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the map.

- [ ] Applicant shall file with the Department of Public Works an application requesting apportionment of any unpaid assessments under the Improvement Bond Act of 1915, in compliance with Section 8740.1 of the Streets and Highways Code of the State of California. Said apportionment must be completed prior to filing the map.

- [ ] Prior to the sale of the designated remainder or omitted parcel, if applicable, the applicant shall obtain approval of a certificate of compliance or conditional certificate of compliance from the county.

- [ ] All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

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# COUNTY OF SAN LUIS OBISPO

FOR OFFICIAL USE ONLY (ek)

## MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

**ENVIRONMENTAL DETERMINATION NO. ED05-006** **DATE: DRAFT**

**PROJECT/ENTITLEMENT:** Burgett Parcel Map & TDC Receiver Site SUB2004-00346

**APPLICANT NAME:** Eugene H. Barre Jr. & Michael H. Barre
**ADDRESS:** PO Box 776, Templeton CA 93465-0776
**CONTACT PERSON:** Twin Cities Surveying INC **Telephone:** 805-434-1834

**PROPOSED USES/INTENT:** Proposal to subdivide an existing 5.44-acre parcel into three parcels of approximately 1.8 acres each for the purpose of sale and/or development and designate the project site a TDC Receiver Site. The project includes off-site road improvements to San Antonio Road. The division will create one on-site road. The proposed project is within the Residential Suburban land use category within the Salinas River planning area.

**LOCATION:** On the southwestern side of San Antonio Road, approximately 1,500 feet southeast of Santa Margarita Road, southeast of the City of Atascadero.

**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:** Environmental Health

**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**

**20-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_____ as ☐ *Lead Agency* ☐ *Responsible Agency* approved/denied the above described project on _____, 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 | Project Manager Name | Date | Public Agency |
|---|---|---|---|
| | Elizabeth Karanasof | 8/31/05 | 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:** Burgett Tentative Parcel Map and TDC Receiver Site SUB2004-00346

**Project Applicant**

| | |
|---|---|
| **Name:** | Eugene H. Barre and Michael H. Barre |
| **Address:** | P.O. Box 776 |
| **City, State, Zip Code:** | Templeton, CA 93465 |
| **Telephone #:** | (805) 434-1700 |

**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.

(X) 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.** Burgett Parcel Map SUB2004-00346 ED 05-006

**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 |

**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.

| | | |
|---|---|---|
| Prepared by (Print) | Signature | Date |
| Reviewed by (Print) | Signature | Ellen Carroll, Environmental Coordinator (for) — Date |

John Nall — John Nall — 8/31/05

**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: Request by Eugene H. Barre Jr. & Michael H. Barre for a tentative parcel map to subdivide an existing 5.44-acre parcel into three parcels of approximately 1.8 acres each for the purpose of sale and/or development and designate the project site as a TDC Receiver Site. The project includes off-site road improvements to San Antonio Road. The division will create one on-site road. The proposed project is within the Residential Suburban land use category and is located on the southwestern side of San Antonio Road, approximately 1,500 feet southeast of Santa Margarita Road, southeast of the City of Atascadero. The site is in the Salinas River planning area.

ASSESSOR PARCEL NUMBER(S): 059-141-053 SUPERVISORIAL DISTRICT # 5

## B. EXISTING SETTING

PLANNING AREA: Salinas River, Rural

LAND USE CATEGORY: Residential Suburban

COMBINING DESIGNATION(S): None

EXISTING USES: Residence , accessory structures

TOPOGRAPHY: Nearly level to gently rolling

VEGETATION: Grasses , chaparral , scattered oaks , forbs

PARCEL SIZE: 5.44 acres

SURROUNDING LAND USE CATEGORIES AND USES:

| | |
|---|---|
| *North:* Residential Suburban/ residential | *East:* Residential Suburban; residential |
| *South:* Residential Suburban; residential | *West:* Residential Suburban; residential |

## 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.

### 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 site is located on the southwest side of San Antonio Road, approximately 1,500 feet southeast of Santa Margarita Road, southeast of the City of Atascadero (refer to Figures 1 through 3). The project consists of nearly level to gently rolling topography supporting pine and scattered oak trees, grasses, forbs, and shrubs. The project site is developed with one residence, accessory structures, barn, and corral in the northeast portion of the parcel, and horse pasture in the southwest portion of the parcel. The surrounding area is characterized by gently to moderately sloping topography vegetated with grassland, scattered oak trees, developed with residences and accessory agricultural uses including livestock grazing and equestrian facilities. The project site and surrounding similarly developed areas are visible from San Antonio Road, Carmel Road, and Morningstar Lane, local roads providing access to residential development on the west side of El Camino Real.

**Impact.** The applicant is proposing to subdivide the project site into three parcels, approximately 1.8 acres each for the purpose of sale and/or development (refer to Figure 4). The TDC designation would allow for a slightly higher development density on the parcel than otherwise allowed, while still preserving the rural character of the area by reducing conversion pressure on adjacent agricultural lands. On residence is located on proposed Parcel 1, and Parcels 2 and 3 would potentially support one residence each. Future residential development on the project site would not significantly change the visual character of the area and no visual impacts are anticipated.

**Mitigation/Conclusion.** No significant visual impacts would occur as a result of the proposed parcel map, and no mitigation is required.

| 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/Impact.** The proposed project site is located in the Residential Suburban land use category. The soil types on the project site for "non-irrigated" and "irrigated" soil, as described in the Natural Resource Conservation Service (NRCS) Soil Survey, are Concepcion sandy loam, (2 - 9% slope), Still clay loam, (2 - 9% slope), San Andreas-Arujo sandy loams, (9 - 15 % slope). As described in the Natural Resource Conservation Service Soil Survey, the "non-irrigated" soil class is "IV", and the "irrigated" soil class is "II to IV". Surrounding land uses consist of residential development with secondary uses including horse pastures and livestock grazing. The proposed project includes zoning of the property as a Transfer of Density Credit (TDC) receiver site, which would allow a higher development density on the parcel than what would otherwise be allowed under the Residential Suburban land use category in the project area, while still preserving the rural character of the area by reducing conversion pressure on nearby agricultural lands. The minimum parcel size for the South Atascadero area is established as 2.5 acres to provide open space areas for animal husbandry and preservation of the rural character.

The proposed parcel split and designation as a TDC receiver site would allow for establishment of three parcels 1.8 acres each, and although the proposed parcels do not meet the minimum size requirement for the project area, the site is consistent with the goals of the TDC program. Creation of one additional parcel with one single-family residence is not anticipated to cause a significant long-term impact to continued use of the property or adjacent lands for animal husbandry or other agricultural uses due to TDC program conditions prohibiting further subdivisions and development of the parcel. The property would receive a TDC receiver site combining designation, which would prohibit further subdivision and land use category changes while allowing one residence on each parcel. No direct impacts to adjacent agricultural lands would occur as a result of the proposed project.

**Mitigation/Conclusion.** The TDC receiver site designation, creation of one additional parcel, and future construction of one single-family residence would not cause direct impacts to nearby accessory agricultural uses. Implementation of the restrictions placed on the property as a TDC receiver site and prohibition of future subdivisions and land use category changes, would reduce the conversion pressure on lands west of Highway 101. No mitigation measures are required.

| 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 the latest air monitoring station information (per the County's RMS annual report, 2004), the trend in air quality in the general area is moderately improving, where unacceptable PM10 levels were exceeded once in 2003, which is down from 2002 (two exceedances). The Air Pollution Control District (APCD) estimates that automobiles currently generate about 40% of the pollutants responsible for ozone formation. Nitrous oxides (NOx) and reactive organic gasses (ROG) pollutants (vehicle emission components) are common contributors towards this chemical transformation into ozone. Dust, or particulate matter less than ten microns (PM10) that become airborne and find their way into the lower atmosphere, can act as the catalyst in this chemical transformation to harmful ozone. In part, the land use controls currently in place for new development relating to ROG and NOx (i.e. application of the CEQA Air Quality Handbook) have helped reduce the formation of ozone.

The Air Pollution Control District (APCD) has developed the CEQA Air Quality Handbook to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

**Impact.** There is one existing residence on proposed Parcel 1. Future construction of an access road, two residences, driveways, and associated improvements would result in soil disturbance. This will result in the creation of dust, construction-related emissions, and operational emissions. Based on Table 1-1 of the CEQA Air Quality Handbook, the project would result in less than 10 lbs./day of pollutants, which is below thresholds warranting any mitigation.

Generally, the APCD does not support fracturing of rural lands and residential development removed from employment and commercial services. The Clean Air Plan includes land use management strategies to guide decision-makers on land use approaches that result in improved air quality. The proposed project is somewhat inconsistent with the "Planning Compact Communities" strategy, where increasing development densities within urban areas is preferable over increasing densities in rural areas. Increasing densities in rural areas results in longer single-occupant vehicle trips and increases emissions. In this instance, this partial inconsistency is not considered significant for the following reasons: 1) the proposed density of this subdivision is still consistent with what was assumed in the

last update of the Clean Air Plan which, based in part on this density, approved the necessary control measures to achieve acceptable air quality attainment in the future; 2) standard forecast modeling (e.g., ARB URBEMIS2001) identifies that vehicles in the near future will produce substantially lower emissions (e.g., use of electric, hybrid and advanced technology vehicles); and 3) the TDC designation would allow for a slightly higher development density on the parcel than otherwise allowed, while reducing conversion pressure in other rural areas. Based on the above discussion, given the smaller number of potential new residences (one additional residence), both individual and cumulative impacts are expected to be less than significant as it relates to the Clean Air Plan land use strategies.

**Mitigation/Conclusion.** No significant air quality impacts were identified, and no mitigation measures are necessary.

| **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 following habitats were observed on the proposed project: Grasses , scattered oaks and forbs. The project site does not support wetland or riparian habitat.Based on the latest California Diversity database and other biological references, the following species or sensitive habitats were identified:

Plants: Santa Margarita manzanita (Arctostaphylos pilosula) app. 0.9 mile west of the site, Straight-awned spineflower (Chorizanthe rectispina) app. 1.0 mile west of the site.

Wildlife: None

Habitats: Blue Oak Foothill Pine Woodland (Scattered <10% Density), Vernal Habitat app. 0.6 mile south of the site, Blue Oak Woodland (Medium 34 to 75% Density) app. 0.4 mile west of the site.

<u>Sensitive Plant Species.</u> Based on the California Natural Diversity Database (CNDDB), the proposed project site is located in the vicinity of two special status plant species: straight-awned spineflower (*Chorizanthe rectispina)*, a California Native Plant Society (CNPS) List 1B (rare, threatened, or endangered in California and elsewhere) annual herb; and Santa Margarita manzanita (*Arctostaphylos pilosula*), a CNPS List 1B evergreen shrub.

Straight-awned spineflower occurs within barren sandy or gravelly soils in association with chaparral shrubs, dry woodland, or grasslands. The blooming period for this species is May through July. Mike McGovern, Ph.D., surveyed the project site on August 2, 2005, and no evidence of this species was documented (Mike McGovern, Ph.D.; August 2, 2005). Santa Margarita manzanita occurs within closed-cone coniferous forest, chaparral, and cismontane woodland. No species of manzanita was observed on the project site.

*Native and Other Important Vegetation.* Mature valley oak (*Quercus lobata*) and coast live oak (*Quercus agrifolia*) trees are located in the northern corner and along the southeastern property boundary.

*Sensitive Wildlife Species.* The valley and coast live oak trees onsite provide habitat for nesting raptors and other birds, which are protected by California Fish and Game Code 3503.

**Impact.** Construction of the proposed access road to Parcels 2 and 3 would require the removal of one valley oak tree. The remainder of oak trees located on proposed Parcel 1 would be avoided. The valley and coast live oak trees located along the southeastern property boundary would be avoided due to required setbacks. Incidental impacts may occur during future grading and construction activities if protection measures are not in place to avoid impacts to the valley oak tree.

**Mitigation/Conclusion.** The applicant has agreed to replace the one oak tree required for removal with an in-kind species at a 4:1 ratio, for a total of four oak trees. In addition, the applicant shall install protection fencing surrounding the oak trees to remain. The fencing shall remain in place until final inspection. The use of equipment, vehicles, and storage of materials, equipment, or soils shall be prohibited within the protected root zone of the tree. Prior to tree removal (if proposed during the nesting season), the applicant shall retain a County-approved biologist to conduct a pre-construction survey to ensure that nesting birds are not disturbed. Based on the above discussion and implementation of mitigation, impacts to biological resources would be less than significant.

| **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 an area historically occupied by the Obispeño Chumash and Southern Salinian. The project is located in an area that would be considered culturally sensitive due to its location near the Salinas River corridor. Robert Gibson, Gibson's Archaeological Consulting conducted a Phase I (surface) survey on August 11, 2005. No evidence of cultural materials was noted on the property. Impacts to historical or paleontological resources are not expected.

**Mitigation/Conclusion.** No significant cultural resource impacts are expected to occur, and no mitigation measures are necessary.

| 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 California Geological Survey "Alquist-Priolo Earthquake Fault Zone"?* | ☐ | ☐ | ☐ | ☒ |
| *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 is nearly level. 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 low to high. Active faulting is known to exist near the subject property approximatley 1.25 mile east of the site. The project is not within a known area containing serpentine or ultramafic rock or soils.

DRAINAGE – The area proposed for development is outside the 100-year Flood Hazard designation. The closest creek (an unnamed stream) from the proposed development is approximately 0.5 mile to the west. As described in the Natural Resource Conservation Service Soil Survey, the soil is

considered very poorly to moderately drained. For areas where drainage is identified as a potential issue, the LUO (Sec. 22.52.080) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

SEDIMENTATION AND EROSION – The soil types mapped for the project site include: Concepcion sandy loam, (2 - 9% slope), Still clay loam, (2 - 9% slope), San Andreas-Arujo sandy loams, (9 - 15 % slope). As described in the NRCS Soil Survey, the soil surface is considered to have low to moderate erodibility and low to moderate shrink-swell characteristics. Future grading activities would result in soil disturbance. Based on the location and topography of the project site, there is no evidence that measures above what will already be required by ordinance or code are needed.

**Mitigation/Conclusion.** There is no evidence that measures above what will already be required by ordinance or codes are needed.

| **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/Impact.** The project is not located in an area of known hazardous material contamination. The project does not propose the use of hazardous materials. The project is not expected to conflict with any regional evacuation plan. The project is not within the Airport Review area. The project is within a High Fire Severity Zone within a State Responsibility Area for wildland fires. Prior to issuance of construction permits for lot development, the applicant is required to comply with local and state fire regulations, which include access road and driveway specifications, fire flow water supply, and fuel modification (100 feet surrounding all structures).

**Mitigation/Conclusion.** The applicant is required to comply with all fire safety rules, regulations, and

standards of the California Fire Code and Public Resources Code. Based on the required compliance with applicable fire codes, no additional mitigation measures are necessary.

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

**Setting/Impact.** The proposed project site is located adjacent to San Antonio Road, a two-lane local road that generates minimal levels of transportation related noise. Based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area. The project is not expected to generate loud noises, nor conflict with the surrounding uses.

**Mitigation/Conclusion.** No significant noise impacts are anticipated, and no mitigation measures are necessary.

| 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/Impact.** Implementation of the proposed parcel map would result in the potential construction of two additional residences south of the City of Atascadero. The future development would not

displace existing housing or people, or use a substantial amount of fuel or energy to construct and maintain. No significant population and housing impacts are expected to occur as a result of the proposed parcel map.

**Mitigation/Conclusion.** In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county. Title 18 of the County Code (Public Facilities Fees) requires that an affordable housing mitigation fee be imposed as a condition of approval of any new residential development project. Prior to map recordation, the applicant will pay an affordable housing mitigation fee of 3.5 percent of the adopted Public Facility Fee. This fee will not apply to any county-recognized affordable housing included within the project.

| **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)?*** | ☐ | ☒ | ☐ | ☐ |
| ***c) Schools?*** | ☐ | ☒ | ☐ | ☐ |
| ***d) Roads?*** | ☐ | ☐ | ☒ | ☐ |
| ***e) Solid Wastes?*** | ☐ | ☐ | ☒ | ☐ |
| ***f) Other public facilities?*** | ☐ | ☐ | ☒ | ☐ |
| ***g) Other:*** _____ | ☐ | ☐ | ☐ | ☐ |

**Setting/Impact.** The project area is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF (Parkhill Station 40) fire station is approximately six miles to the east. The closest Sheriff substation is in Templeton, which is approximately 11 miles from the proposed project. The project is located in the Atascadero Unified School District. This proposed project, along with numerous others in the area would have a cumulative effect on police/sheriff and fire protection, and schools. The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

**Mitigation/Conclusion.** Public facility (county) and school (State Government Code 65995 et sec) fee programs have been adopted to address the project's direct and cumulative impacts, and will reduce the impacts to less than significant levels.

| **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?*** | ☐ | ☒ | ☐ | ☐ |

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

**Setting/Impact.** Based on the County Trails Plan, the proposed project site is not located within a proposed trail corridor. The proposed parcel map and future occupation of two additional residences would contribute to the local and cumulative demand for recreational resources in the immediate area and San Luis Obispo County. The proposed project was referred to the County Parks Division for review. The Parks Division did not identify any project specific significant impacts (Jan DiLeo; June 6, 2005). The applicant is required to pay Quimby and Building Division fees to offset cumulative impacts.

**Mitigation/Conclusion.** Cumulative impacts would be mitigated through the payment of required Quimby fees prior to map recordation. Quimby fees are used in lieu of dedication of land for park and recreational facilities to provide funds for maintenance of existing parks and acquisition of land. No additional measures are necessary.

| 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?* | ☐ | ☐ | ☒ | ☐ |

| 12. TRANSPORTATION/ CIRCULATION - *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| *i) Other:* _____ | ☐ | ☐ | ☐ | ☐ |

**Setting.** The proposed project site is located on the southern side of San Antonio Road, a two-lane local road connecting Carmel Road and Santa Clara Road. This road provides access to residential development in the area, and is operating at an acceptable level of service.

**Impact.** The applicant proposes to subdivide one lot into three lots. There is an existing residence on proposed Parcel 1. The applicant proposes to construct an access road off San Antonio Road along the northern property boundary to provide access to proposed Parcels 2 and 3. The proposed project is estimated to generate a total of 29 trips per day including the existing residence, based on the Institute of Traffic Engineer's manual of 9.6 average daily trips per residence. This small amount of additional traffic would not result in a significant change to the existing road service levels or traffic safety. The proposed project was referred to both the California Department of Transportation (Caltrans) and County Public Works Department. These agencies did not respond with any concerns.

**Mitigation/Conclusion.** No significant transportation or circulation impacts were identified, and no mitigation measures are necessary.

| 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?* | ☐ | ☐ | ☒ | ☐ |
| *b) Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?* | ☐ | ☐ | ☒ | ☐ |
| *c) Adversely affect community wastewater service provider?* | ☐ | ☐ | ☐ | ☒ |
| *d) Other:* _____ | ☐ | ☐ | ☐ | ☐ |

**Setting/Impact.** The existing residence on proposed Parcel 1 utilizes an onsite individual wastewater system. Future residences on proposed Parcels 2 and 3 would also be served by on-site individual wastewater systems. As described in the NRCS Soil Survey (see Geology section for soil types), the main limitations for on-site wastewater systems relate to: slow percolation and shallow depth to bedrock. These limitations are summarized as follows:

*Slow Percolation.* This characteristic indicates that fluid may percolate too slowly through the soil for the natural processes to effectively break down the effluent into harmless components. The Basin Plan identifies the percolation rate should be less than 120 minutes per inch. Percolation tests were conducted by Eric J. Gobler, P.E., Civil Engineer. Based on the results of the tests, the percolation rates on proposed Parcels 2 and 3 range from 40 to 60 minutes/inch, within acceptable limits (Eric J. Gobler, P.E.; April 5, 2005). The County Environmental Health Division reviewed the percolation test report and concluded that individual wastewater systems should adequately serve the proposed

parcels (Laurie Salo; May 4, 2005). Ms. Salo also noted that comprehensive soil testing would be required prior to final map recordation.

Shallow Depth to Bedrock. This characteristic indicates that there may not be sufficient soil depth to provide adequate soil filtering of effluent before reaching bedrock. Once effluent reaches bedrock, chances increase for the effluent to infiltrate cracks that could lead directly to groundwater sources or near wells without adequate filtering, or allow effluent to daylight where bedrock is exposed to the earth's surface. Soil borings conducted as part of the percolation tests drilled to depths ranging from 56 to 74 inches below the surface, and bedrock was not encountered (Eric J. Gobler; April 5, 2005). Based on the results of the soil borings, there is adequate depth to bedrock.

**Mitigation/Conclusion**. In addition to standard requirements, the leach lines shall be located at least 100 feet from any private well and at least 200 from any community/public well. Prior to recordation of the final map, the applicant is required to submit comprehensive soil testing to the County Environmental Health Division for review. In addition, prior to building permit issuance, the septic system will be evaluated in greater detail to insure compliance with the Central Coast Basin Plan for any constraints listed above, and will not be approved if Basin Plan criteria cannot be met. Based on standard requirements and regulations, no additional mitigation measures are required.

| **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.)?*** | ☐ | ☐ | ☒ | ☐ |
| ***d) Change the quantity or movement of available surface or ground water?*** | ☐ | ☐ | ☒ | ☐ |
| ***e) Adversely affect community water service provider?*** | ☐ | ☐ | ☒ | ☐ |
| ***f) Other:*** _____ | ☐ | ☐ | ☐ | ☐ |

**Setting.** The project proposes to use a community system (Atascadero Mutual Water Company) as its water source. Atascadero Mutual Water Company issued a preliminary will-serve letter to the applicant (John Neil; April 14, 2005). The County Environmental Health Division has reviewed the project for water availability and has determined that there is preliminary evidence that there will be sufficient water available to serve the proposed project. Based on the project description, as shown below, a reasonable "worst case" indoor water usage would likely be approximately 2.55 acre feet/year (AFY), including the existing residence:

*Three residential lots (w/primary (0.85 afy x 3 lots) = 2.55 afy*
Source: "City of Santa Barbara Water Demand Factor & Conservation Study "User Guide" (Aug., 1989)

The topography of the project is nearly level to gently rolling. The closest creek (an unnamed stream) from the proposed project site is approximately 0.5 mile away. As described in the NRCS Soil Survey, the soil surface is considered to have low to moderate erodibility.

Based on the size of the proposed parcel and underlying nearly level to gently sloping topography, the potential for erosion and off-site sedimentation during future grading activities is low, and impacts to surface water as a result of soil disturbance would be less than significant.

**Mitigation/Conclusion.** No significant impacts to surface water or water supply were identified, and no mitigation measures are necessary.

| **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.** Surrounding uses are identified on Page 2 of the Initial Study. 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 outside agencies to review for policy consistencies (e.g., CDF for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used). The project is not within or adjacent to a Habitat Conservation Plan area. Surrounding land uses include residences and accessory agricultural uses. The proposed project is compatible with these surrounding uses because it is a subdivision of one approximately 5.44-acre parcel into three parcels approximately 1.8 acres each for future sale and development. Although the proposed density and future development is slightly greater than what is allowed in the existing land use category, the proposed parcel split is consistent with land divisions on neighboring parcels and the TDC designation would restrict further subdivision of the project site.

**Mitigation/Conclusion.** The applicant's proposal includes a request for the parcel to be designated a TDC receiving site. This would allow the subdivision of a 5.44-acre parcel into three parcels 1.8 acres each, despite a Salinas River Area Plan standard that requires a 2.5-acre minimum parcel size for this

area of the county. This project meets the criteria for a TDC receiving site; therefore, it is consistent with the County's land use policies and no additional measures are required. In addition, the Land Use Ordinance prohibits secondary dwellings in the south Atascadero area. No mitigation measures are required.

| **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 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 projects, 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.sloplanning.org" 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.

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**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 ☒) and when a response was made, it is either attached or in the application file:

| Contacted | Agency | Response |
|---|---|---|
| ☒ | County Public Works Department | **None** |
| ☒ | County Environmental Health Division | **Attached** |
| ☒ | County Agricultural Commissioner's Office | **None** |
| ☐ | 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** |
| ☒ | CA Department of Forestry | **None** |
| ☒ | CA Department of Transportation | **None** |
| ☐ | Community Service District | **Not Applicable** |
| ☒ | Other Atascadero Mutual Water Co. | **Attached** |
| ☒ | Other City of Atascadero | **None** |

** *"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
- ☒ Salinas River 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 SLO County
- ☒ Regional Transportation Plan
- ☒ Uniform Fire Code
- ☒ Water Quality Control Plan (Central Coast Basin – Region 3)
- ☒ GIS mapping layers (e.g., habitat, streams, contours, etc.)
- ☐ Other ____

In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

Gibson, Robert. Gibson's Archaeological Consulting. August 11, 2005. *Results of Archival Records Search and Phase One Archaeological Surface Survey on a Five Acre Parcel (APN# 059-141-053), 14250 San Antonio Road, Atascadero, San Luis Obispo County, CA.*

Gobler, Eric J. April 5, 2005. *Percolation Test; APN 059-141-053; Lot 7, Blk 99 14250 San Antonio Rd., Atascadero.*

McGovern, Mike Ph.D. August 5, 2005. *Biological Assessment for Mr. Gene Barre.*

## Exhibit B - Mitigation Summary Table

### Biological Resources

**BR-1** At the time of application for construction permits, the applicant shall clearly delineate the building site(s), driveways, and all structural improvements. All new development shall be located to avoid removal of oak trees.

**BR-2** At the time of application for subdivision improvement plans, grading permits and/or construction permits, the applicant shall submit a tree replacement plan to be reviewed and approved by the Environmental Coordinator. The plan shall provide for the replacement, in kind for the planting, in kind at a 4:1 ratio, of four oak trees to mitigate for one tree to be removed. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, top soil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).

Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines). These newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding (minimum of once early Fall and once early Spring) of at least a three-foot radius out from plant and adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three-year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.

**BR-3** **Prior to commencement of tree removal, to avoid conflicts with nesting birds, tree removal shall not be allowed during the nesting season (March through August),** unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to the County (Environmental Division), possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the county.

Environmental Determination: ED05-006 1-62 Date: August 31, 2005 1-60

**DEVELOPER'S STATEMENT FOR THE**
**BURGETT PARCEL MAP AND TDC RECEIVER SITE; SUB2004-00346**

The applicant agrees to incorporate the following measures into the project. These measures become a part to the project description and therefore become a part of the record of action upon which the environmental determination is based. All construction/grading activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

> **Note:** The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

## BIOLOGICAL RESOURCES

**BR-1** **At the time of application for construction permits,** the applicant shall clearly delineate the building site(s), driveways, and all structural improvements. All new development shall be located to avoid removal of oak trees.

**Monitoring:** The Planning and Building Department shall verify required elements are shown and implemented in the field.

**BR-2** **At the time of application for subdivision improvement plans,** grading permits and/or construction permits, the applicant shall submit a tree replacement plan to be reviewed and approved by the Environmental Coordinator. The plan shall provide for the replacement, in kind for the planting, in kind at a 4:1 ratio, of four oak trees to mitigate for one tree to be removed. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, top soil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).

Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines). These newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding (minimum of once early Fall and once early Spring) of at least a three-foot radius out from plant and adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three-year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.

**Monitoring:** The Planning and Building Department shall verify compliance.

Environmental Determination: ED05-006 1-63 Date: August 31, 20

**BR-3** **Prior to commencement of tree removal,** to avoid conflicts with nesting birds, tree removal shall not be allowed during the nesting season (March through August), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to the County (Environmental Division), possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the county.

[redacted]

*The applicant understands that any changes made to the project subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.*

Gene Barre
Signature of Owner(s)

8/31/05
Date

GENE BARRE
Name (Print)

1-64

Letters received on this project as of
12/16/05

1-65

SLO CNTY
PLANNING/BUILDING
DEPT
2005 NOV - [illegible]

Gilbert A. & Cheryl E. Scott
5026 Ludgate Drive
Agoura, CA 91301
(818) 889-9577

2 November 2005

Ms. Elizabeth Kavanaugh, Project Manager
Department of Planning and Building
San Luis Obispo County, CA

RE: SUB2004-00346 – Parcel 059-141-053

CC: Ms. Kami Griffin

Dear Ms. Kavanaugh:

In our previous letter we pointed out the factual errors in the Tentative Parcel Map (CO 05-0016) submitted by Mssrs. Barre and Iopini. We were pleased to see Twin Cities Surveyors at the property on Friday, 28 October 2005. They had located the benchmark placed by our surveyor during the partition in 1998. This should lead to the resolution of the problems with the map. We look forward to seeing the new map when it becomes available. Would it be possible for a full-sized copy to be sent to us?

We are opposed to the subdivision requested in this matter for the following reasons:

1. The South Atascadero area was zoned for a minimum lot size of 2.5 acres to facilitate a rural atmosphere that allowed small-scale agriculture by residents. The intent of the planners should be honored. During the past thirty years our parcel was planted in alfalfa and kitchen gardens. Horses and a few cattle were also run on it. This met the spirit the original zoning. Times have changed. Equestrian uses are even more popular. Viniculture has become very popular as evidenced by plantings in the vicinity. Thus, usage has evolved, but it has not fundamentally changed. There is no compelling need to change the policy or allow the exception requested in this case.
2. The TDC processes used in this matter is troubling in several ways.
    a. While it is clearly legal, it is not right. It is an end-run around an existing regulation. It subverts the will of the community on a case-by-case basis for the benefit of an individual.
    b. It is possible that a valid use of the TDC is in the conversion of large parcels into subdivisions providing many homes affordable middle and low-income residents. Using it this way would trade maintenance of large agricultural parcels for large residential parcels. This may be beneficial to the community as a whole. The TDC process is not equally applicable to allow an individual owner who can afford to seek out and purchase part of an agricultural parcel miles away. This does not benefit the community as a whole.

c. The petitioners are relatively recent purchasers of the property. They certainly should have been aware of property's zoning. Perhaps they should have purchased lots that were already suitably sized.

3. The division of the adjacent parcel may lower of the value of our property by making it less attractive to future buyers should we ever wish to sell it. We contend that a significant value can be assigned to a location in a neighborhood of lots all of a similar size.
4. We disagree that the mitigation of the biological impact proposed is adequate. We would rather that all oak trees be preserved.
5. We believe that creation of roads necessary to support access to the proposed lots changes that nature of the neighborhood and strains the existing roads serving the area.

We recommend disapproval of SUB2004-00346.

Sincerely,

Gilbert A. Scott, Owner

Cheryl E. Scott, Owner