



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

September 16, 2005

Sullivan & Corcoran
2238 Bayview Heights Dr, Ste C
Los Osos, CA 93402

FINAL LOCAL ACTION NOTICE
REFERENCE # <u>3-SLO-05-385</u>
APPEAL PERIOD <u>9/30-10/4/05</u>

RECEIVED

SEP 29 2005

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

NOTICE OF FINAL COUNTY ACTION

HEARING DATE: September 12, 2005

SUBJECT: Document No. 2005-057
PATAGUE - County File Number: - S030112C / CO 03-0354

LOCATED WITHIN COASTAL ZONE: YES

The above-referenced application was approved on the above-referenced date by the San Luis Obispo County Subdivision Review Board. A copy of the findings and conditions are enclosed. The conditions of approval must be completed as set forth in this document.

An approved or conditionally approved tentative parcel map shall expire twenty-four months after its approval or conditional approval. The expiration of the approved or conditionally approved tentative parcel map or tentative tract map shall terminate all proceedings, and no parcel map of all or any portion of the real property included within such tentative parcel map shall be filed without first processing a new tentative map. Upon application of the divider filed with the Department of Planning and Building prior to the expiration of the approved or conditionally approved tentative parcel map, the Subdivision Review Board may extend or conditionally extend the time at which such map expires for a period or periods not exceeding a total of five years pursuant to the provisions of Sections 66412.3, 66473 and 66474 of the Subdivision Map Act and Section 21.48.080 of the Real Property Division Ordinance. (Sec 21.06.010)

This action is appealable to the Board of Supervisors within 14 days of this action. If there are Coastal grounds for the appeal there will be no fee. If an appeal is filed with non coastal issues there is a fee of \$604.00. This action may also be appealable to the California Coastal Commission pursuant to Coastal Act Section 30603 and the County Coastal Zone Land Use Ordinance 23.01.043. These regulations contain specific time limits to appeal, criteria, and procedures that must be followed to appeal this action. This means that no construction permits can be issued until both the County appeal period and the additional Coastal Commission appeal period have expired without an appeal being filed.

Exhaustion of appeals at the county level is required prior to appealing the matter to the California Coastal Commission. This appeal must be made directly to the California Coastal Commission Office. Contact the Commission's Santa Cruz Office at (831) 427-4863 for further information on appeal procedures. If you have questions regarding your project, please contact your Project Manager, Murry Wilson, at (805) 781-5600. If you have any questions regarding these procedures, please contact me at (805) 781-5612.

CCC Exhibit A
(page 1 of 12 pages)

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: <http://www.sloplanning.org>

Sincerely,

Ramona Hedges, Secretary
County Subdivision Review Board

(Planning Department Use Only)

Date NOFA copy mailed to Coastal Commission: after September 26, 2005

Enclosed: X Staff Report
 X Findings and Conditions

CCC Exhibit A
(page 2 of 12 pages)

FINDINGS - EXHIBIT A

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on August 4, 2005 for this project. Mitigation measures are proposed to address agriculture and water and are included as conditions of approval.

Conditional Certificate of Compliance

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan, the Estero area plan and all other general plan policies because future development will be subject to all applicable standards and land use permit requirements and is consistent with the development of the area.
- C. Pursuant to the Subdivision Map Act, the parcel is required to comply with the subdivision standards in effect as of 1971 because the applicant is not the subdivider who created the current parcel and 1971 is the year the applicants gained interest in said parcel.
- D. As conditioned, the proposed project and associated use satisfies all applicable provisions of the Subdivision Map Act and County Real Property Division Ordinance.

CONDITIONS - EXHIBIT B

Approved Project

1. This approval recognizes one parcel created in violation of local and state ordinances for sale or development. The parcel is approximately 2 acres in size.

Water Quality

2. **Prior to recordation of the Conditional Certificate of Compliance**, the applicant shall provide the following to the satisfaction of County Environmental Health Department: A well completion report, pump tests, and a full water quality report.

Agriculture

3. **Prior to recordation of the Conditional Certificate of Compliance**, the applicant shall record a mitigation agreement in a form acceptable to County Council to provide an agricultural buffer on the subject property as shown on the attached Exhibit C, and as follows:

a. 375 feet along the northern property line of the subject parcel (APN: 074-222-002)

No structures used for human habitation shall be constructed in the agricultural buffer area (subject to possible removal of this condition upon application).

4. **Prior to transfer of the parcels created by this subdivision**, the applicant shall disclose to prospective buyers, of all parcels created by this proposal, the consequences of existing and potential intensive agricultural operations on adjacent parcels including, but not limited to: dust, noise, odors and agricultural chemicals and the county's Right to Farm and Leash ordinances currently in effect at the time said deed(s) are recorded.

Miscellaneous

5. **Prior to recordation of the Conditional Certificate of Compliance**, the owner shall apply for a notice of Voluntary Merger for county review and approval for portions of Lot 30 and Lot 31 of Rancho Canada de Los Osos and La Laguna (APN: 074-222-002).
6. **Prior to recordation of the Conditional Certificate of Compliance**, the owner shall dedicate a thirty (30) foot road right-of-way along the southern edge of APN: 074-222-002 and connection to Lariat Drive.
7. **Prior to recordation of the Conditional Certificate of Compliance**, the owner shall construct a ½ county-standard gravel road surface.
8. These lots are subject to the standard conditions of approval for all lots using individual wells and septic tanks, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.

STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS
USING INDIVIDUAL WELLS AND SEPTIC TANKS

1. Each parcel shall have its own private well(s) for a domestic water supply approved by the county Health Department, except as set forth in 2C.
2. Operable water facilities shall exist prior to issuance of construction permits. Evidence of adequate and potable water, shall be submitted to the county Health Department, including the following:
 - A. (Potability) A complete on-site chemical analysis shall be submitted for evaluation for each of the parcels created or as required.
 - B. (Adequacy) On individual parcel wells or test holes, a minimum four (4) hour pump test performed by a licensed and bonded well driller or pump testing business shall be submitted for review and approval for each of the new parcels created.
 - C. If the applicant desires purveying water to two (2) or more parcels or an average of 25 or more residents or non-residents (employees, campers, etc.) on a daily basis at least sixty (60) days out of the year, application shall be made to the county Health Department for a domestic water supply permit prior to issuance of construction permit. A bond may be used for operable water facilities (except well(s)). Necessary legal agreements, restrictions and registered civil engineer designed plans, in conformance with state and county laws and standards shall be submitted by the applicant and reviewed and approved by County Public Works and the county Health Department, prior to issuance of construction permit.
3. 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 community sewers may become available.
4. 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.
5. 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.

Subdivision Review Board
C04-0354 / Patague

6. 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 Department 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 subsurface sewage disposal.
7. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
8. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
9. Any existing reservoir or drainage swale on the property shall be delineated on the map.
10. Prior to issuance of construction permit, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
11. Required public utility easements shall be shown on the map.
12. Approved street names shall be shown on the map.
13. 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.
14. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to issuance of construction permit.
15. Any private easements on the property shall be shown on the map with recording data.
16. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to issuance of construction permit.
17. 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.
18. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots.

Staff report prepared by Murry Wilson and reviewed by Kami Griffin.

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PLANNING AREA STANDARDS:

None applicable based on the date the applicants acquired their interest in the property. However, today's standards require the minimum parcel size for lots adjoining the agricultural area north of Tapidiero Road to be 5 acres.

ORDINANCE STANDARDS:

Minimum Parcel Size

Section 23.04.027 of the Coastal Zone Land Use Ordinance establishes standards for determining minimum parcel sizes in the Residential Suburban land use category. The standards are based on the topography of the site and the type of water and sewer service. Minimum parcel size is based on the largest parcel size as calculated by the required tests.

TEST	STANDARD	MINIMUM PARCEL SIZE
Slope	Average slope is between 0 and 15%	1 acre
Water Supply and Sewage Disposal	On-site well On-site septic	2.5 acres

As noted in the deed history below, a pre-1960 deed for the subject lot does not exist. Therefore, a conditional certificate of compliance is required to legalize the parcel. The owners of the subject lot do not own the surrounding lots, making it impossible to increase the lot to the required 2.5 acre minimum parcel size of the land use category; therefore staff has determined it appropriate to legalize this lot with conditions. The conditions applied are conditions that would have been applied to a tentative map in the year the owner's acquired their interest in the subject property (1971).

ENVIRONMENTAL DETERMINATION: The applicant has signed a Developer's Statement that mitigates several environmental concerns of the future development of this parcel that is slightly smaller than would be allowed by today's subdivision standards.

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AGENCY REVIEW:

Public Works- Recommend approval, see comments on "possible conditions" page
Environmental Health - Well completion reports, pump tests, full water quality testing and soil testing prior to building permit
Ag Commissioner- Recommend agricultural buffer and Right-to-Farm disclosure
County Parks – pay Qumiby fees
CDF – no comments
LOCS D – No facilities in the area

LEGAL LOT STATUS: This lot has not been legally created. See deed history below. Approval of this Conditional Certificate of Compliance will make this a legal lot.

Deed History

The applicant is requesting one conditional certificate of compliance for an approximate 2.0 acre parcel that was originally a portion of Lots 30 and 31 of the Subdivisions of Ranchos Canada de Los Osos and La Laguna, according to a map made by Jas. T. Stratton and filed for record in Book A at Page 83 of Maps.

A Notice of Intention to Record a Notice of Violation for this property was recorded on August 22, 1979 (2179 OR 779). A Notice of Violation was recorded on November 19, 1979 (2203 OR 902). This Conditional Certificate of Compliance has been requested to release the Notice of Violation that was filed against the property in 1979. Applicable deed history is as follows:

June 24, 1958 – 955 OR 263 recorded August 29, 1958 – Deed from Morganti to Johns. Included Lot 31 and portions of Lots 30 and 79 – numerous parcels and **includes the subject parcel**. Legal transaction.

July 17, 1958 – 955 OR 265 recorded August 29, 1958 – Deed from Morganti to Johns. Included Lot 31 and portions of Lots 30 and 79 – numerous parcels and **includes the subject parcel**. Legal transaction.

August, 14, 1958 – 955 OR 269 recorded August 29, 1958 – Deed from Johns to Morro-Los Osos Land and Investment Co. Included Lot 31 and portions of Lots 30 and 79 – numerous parcels and **includes the subject parcel**. Legal transaction.

1331 OR 267 recorded December 31, 1964 – Deed from Morro Los Osos Land and Investment Co., to Los Osos Valley Memorial Park Inc for APN: 074-222-010 and 011. Legal transaction for APN: 074-222-010. **Illegal transaction for 074-222-011**. This was a violation of the County's Lot Division Ordinance and State Subdivision Map Act because lots less than three acres in size could not be created after October 12, 1960 without first having a subdivision approval by the County. A tract or parcel map was required to be approved to create parcels at that time; therefore the parcel was not legally created. The transfer of this parcel resulted in the remainder of the parcel from 955 OR 269 (except for transfer of 074-222-010) being considered illegal. APN: 074-222-011 may be the subject of a future conditional certificate of compliance application.

November 19, 1964 – 1331 OR 270 recorded December 31, 1964 – Deed from Morro Los Osos Land and Investment Co. to Menor. Included APNS: 074-222-001, 003, 012 and 002

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(**subject parcel**). Illegal transaction given illegal transaction on 1331 OR 267 for APN: 074-222-011. See following deed entries.

November 19, 1964 – 1331 OR 274 recorded December 31, 1964 – Deed from Menor to Ocol for APN: 074-222-001. Illegal transaction given illegal transaction on 1331 OR 267 for APN: 074-222-011. APN: 074-222-001 may be the subject of a future conditional certificate of compliance application.

November 19, 1964 – 1331 OR 279 recorded December 31, 1964 – Deed from Menor to Bernardo and Adela Patague for APN: **074-222-003**. Illegal transaction given illegal transaction on 1331 OR 267 for APN: 074-222-011. Notice of Intention to Record a Notice of Violation was recorded Aug 22, 1979 (Doc. # 38376). Notice of Violation was recorded November 19, 1979 (Doc. 54157). This parcel will be the subject of a future conditional certificate of compliance application.

November 19, 1964 – 1331 OR 284 and 289 recorded December 31, 1964 – Deed from Menor to Galo (284) and to Dres and Galo (289) for APN: **074-222-012**. Illegal transaction given illegal transaction on 1331 OR 267 for APN: 074-222-011. Conditional Certificate of Compliance C1980-0029 was approved and recorded December 24, 1980, 2294 OR 560.

November 19, 1964 – 1331 OR 294 recorded December 31, 1964 – Deed from Morro Los Osos Land and Investment Co. to Gaoriran for APN: 074-222-006 and 007. Illegal transaction given illegal transaction on 1331 OR 267 for APN: 074-222-011. APN: 074-222-007 may be the subject of a future conditional certificate of compliance application. For APN: 074-222-006 see next deed.

November 19, 1964 – 1331 OR 298 recorded December 31, 1964 - Deed from Gaoriran to Dres and Galo. Certificate of Compliance C80-0005 recorded 9/29/1980 for APN: 074-222-006.

November 19, 1964 – 1331 OR 303 recorded December 31, 1964 – Deed from Morro-Los Osos Land and Investment Co. to Galvez for APNS: 074-222-008 and 009. For APN: 074-222-008 see next entry.

November 19, 1964 – 1331 OR 307 recorded December 31, 1964 – Deed from Galvez to Hilario and Asela Patague for APN: 074-222-008. . Illegal transaction given illegal transaction on 1331 OR 267 for APN: 074-222-011. APN: 074-222-008 may be the subject of a future conditional certificate of compliance application.

October 10, 1968 – 3 PM 12 – Parcel Map CO67-0038 for APN: 074-222-009 and 010. Current configuration of these two APNS does not match the recorded map. County staff will coordinate on appropriate action to rectify.

November 19, 1971 – 1642 OR 582 recorded November 30, 1971 - Deed from Menor to Graciano and Teodora Patague for APN: 074-222-002 (**SUBJECT PARCEL**). Illegal transaction given illegal transaction on 1331 OR 267 for APN: 074-222-011. A Notice of Intention to Record a Notice of Violation was recorded on August 22, 1979 (Doc. 38377) for APN: 074-222-002. A Notice of Violation was recorded on November 19, 1979 (Doc. 54161).

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The original violation date was December 31, 1964 for 1331 OR 267 which the APN: 074-222-002 is subject to. This was a violation of the County's Lot Division Ordinance and State Subdivision Map Act because lots less than three acres in size could not be created after October 12, 1960 without first having a subdivision approval by the County. A tract or parcel map was required to be approved to create parcels at that time; therefore the parcel was not legally created.

Pursuant to the Subdivision Map Act, the parcel should comply with the subdivision standards in effect on November 19, 1971 as that is the year that the applicants acquired their interest in the property.

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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 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 Regulations Section 15000 et seq.) has been issued on August 4, 2005 for this project. Mitigation measures are proposed to address agriculture and water and are included as conditions of approval.

Conditional Certificate of Compliance

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan, the Estero area plan and all other general plan policies because future development will be subject to all applicable standards and land use permit requirements and is consistent with the development of the area.
- C. Pursuant to the Subdivision Map Act, the parcel is required to comply with the subdivision standards in effect as of 1971 because the applicant is not the subdivider who created the current parcel and 1971 is the year the applicants gained interest in said parcel.
- D. As conditioned, the proposed project and associated use satisfies all applicable provisions of the Subdivision Map Act and County Real Property Division Ordinance.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863
HEARING IMPAIRED: (415) 904-5200



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):

Commissioner Meg Caldwell, Chair and Commissioner Trent W. Orr

California Coastal Commission

45 Fremont Street, Suite 2000

San Francisco, CA 94105

(415) 904-5200

Zip

Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government:

San Luis Obispo County

2. Brief description of development being appealed:

Certificate of Compliance (conditional)

3. Development's location (street address, assessor's parcel number, cross street, etc.):

Lariat Drive, Los Osos

4. Description of decision being appealed:

a. Approval; no special conditions:

b. Approval with special conditions:

c. Denial:

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SLO-05-072

DATE FILED: October 14, 2005

DISTRICT: Central Coast

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OCT 14 2005

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

CCC Exhibit B
(page 1 of 6 page)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 2)

5. Decision being appealed was made by (check one):

a. Planning Director/Zoning Administrator

c. Planning Commission

b. City Council/Board of Supervisors

d. Other: Sub. Review Board

6. Date of local government's decision: September 12, 2005

7. Local government's file number: SO30112C/CO03-0354

SECTION III Identification of Other Interested Persons

Give the names and addresses of the following parties: (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Teodora and Graciano Patague
3331 View Crest Drive
Burbank, Ca. 91504

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearings (s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Pat Beck, Chief of Permits,
SLO County Planning & Building Department
County Government Center, San Luis Obispo, CA 93408

(2) Steve Acker
1398 Los Osos Valley Rd.
Los Osos, CA 93402

(3) _____

(4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section which continues on the next page.

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See Attached.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: _____
Appellant or Agent

Date: 10/13/05

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See Attached.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: 
Appellant or Agent

Date: 10/13/05

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

(Document2)

COC Exhibit B
(page 4 of 6 pages)

Reasons for Appeal: San Luis Obispo County Coastal Development Permit S030112C / CO 03-0354 (Pataque)

The County approved project is for one Conditional Certificate of Compliance (CCOC) for a 2-acre parcel (APN 074-222-002) in Los Osos that was not legally created. Under Title 21 Real Property Division Ordinance of the LCP, CCOC's are defined as subdivision development, subject to coastal development permit requirements (Section 21.08.020). The project is inconsistent with the policies and ordinances of the San Luis Obispo County Local Coastal Program, as detailed below:

1. **Title 21 Real Property Ordinance Section 21.08.030(a)** requires the County decision on the application to include specific factual findings supporting the legal conclusions that the proposed development is or is not in conformity with the certified LCP. In this case, the County approval does not include specific factual findings to support a legal conclusion that the project is consistent with the LCP, and instead inappropriately finds that the certified LCP is not applicable.
2. **Non-conforming parcel size** - Estero Area Plan Residential Suburban Standard #1 requires a 5-acre minimum parcel size for lots within the project area. The County approval of a 2-acre parcel does not meet this minimum parcel size standard, and as a result, approval of this CCOC is inconsistent with the LCP minimum parcel size requirements.
3. **Agriculture** – The subject parcel is undeveloped and has a history of being in agricultural production. Subdivisions of agricultural lands are governed by Policy 2 of the LCP and CZLUO Section 23.04.024 (e and f). Policy 2 states that land divisions in agricultural areas “shall not limit existing or potential agricultural capability” and shall adhere to minimum parcel sizes. Land divisions of prime ag-lands must comply with the following standards:
 1. *Division of land is prohibited unless it is demonstrated that the agricultural production of at least three crops common to the agricultural economy will not be diminished.*
 2. *Building sites will not be created on prime soils*
 3. *Adequate water supplies are available for habitat values, proposed development, and to support existing agricultural viability.*

For land divisions on non-prime lands, the County must find that the land division will “maintain or enhance the agricultural viability of the site” (CZLUO Section 23.04.024(f)). Applications must also identify the proposed uses for the parcel.

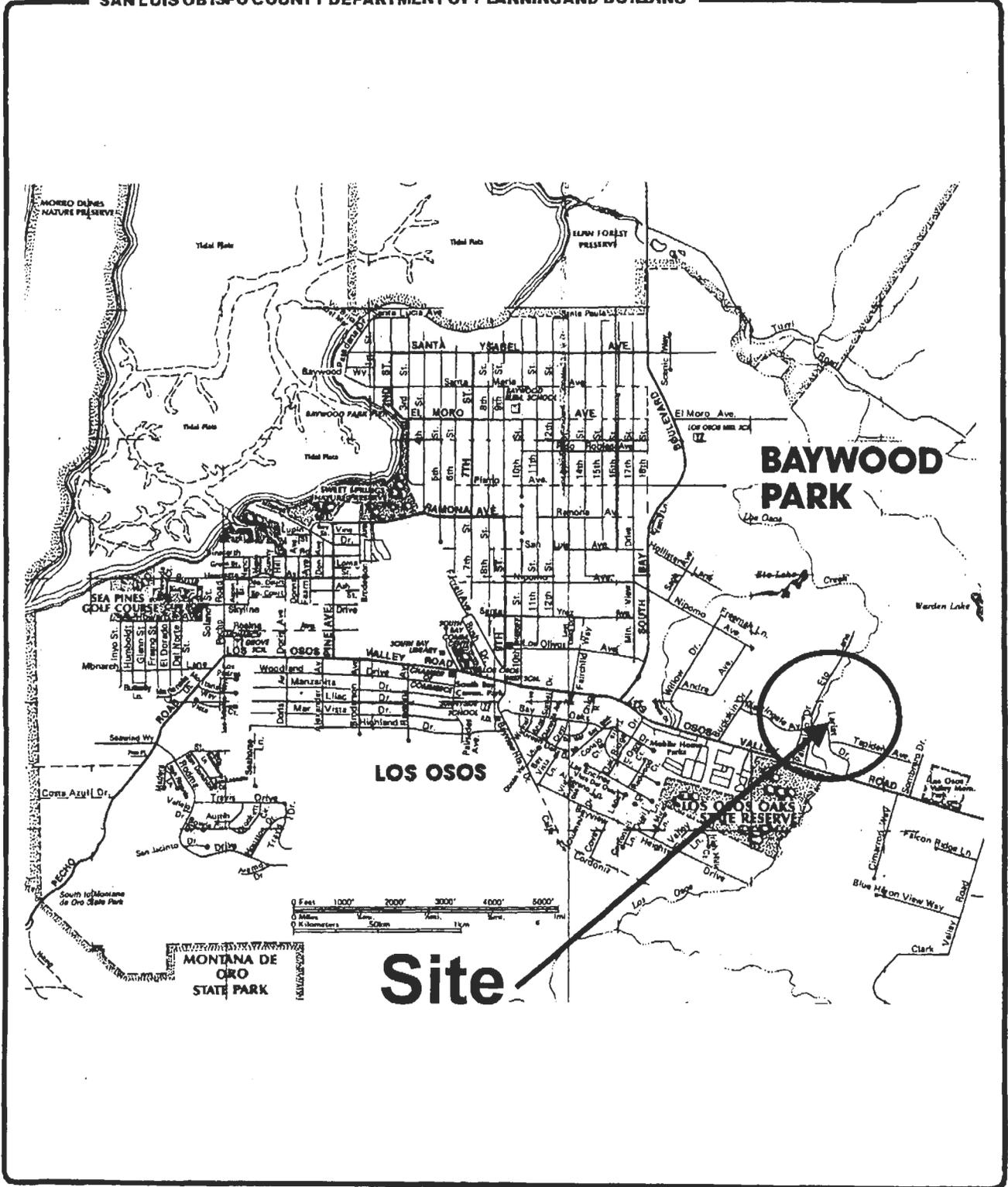
In this case, the County approval of a 2-acre parcel does not comply with the LCP standards for land divisions on agricultural lands. The County has not demonstrated that agricultural capabilities are not diminished as a result of the subdivision. The information contained in the Final Local action Notice for this project does not identify proposed uses for the parcel, nor have findings been made showing adequate water supplies are available. In addition, it is unclear if future building sites will be created on prime-soils because the County approval does not provide an analysis of soil types or identify the proposed use for the parcel. Thus, the issuance of this CCOC may result in the creation of a non-conforming agricultural parcel that could undermine the viability of agricultural lands in this area of Los Osos.

4. Cumulative Impacts. Based on the information contained in the Final Local Action Notice, it appears that there are multiple parcels in this same agricultural area that are also non-conforming in size and illegally created. In this case, the issuance of CCOC's can cumulatively erode the viability of agricultural lands inconsistent with the LCP as nonconforming parcels are recognized and developed with non agricultural uses.

5. Water Supplies and Preservation of the Groundwater Basins - Public Works Policy 1 requires that new development (including divisions of land) demonstrate that adequate public or private service capacities are available. Priority is given to infilling within existing subdivided areas. Watershed Policy 1 requires the protection of groundwater basins within the coastal zone. The County's approval of the CCOC is inconsistent with these requirements because it will result in additional demands on the Los Osos Groundwater basin, which is currently in overdraft. Approval of the CCOC has not been accomplished by evidence of an adequate water supply, or that groundwater resources will be protected. Moreover, the division is not a priority use eligible to receive any of the limited capacity remaining in the basin.

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SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING



PROJECT
 Conditional Cert. of Compliance
 Patague/ S030112C (C03-0354)



EXHIBIT
 Vicinity Map

Project Site

PhotoMapper 4.0 - [C:\SLO\parcels.Map (Map Window 1)]

File Edit Display Tools Window Help



ATTRIBUTE	VALUE
LAYER	Parcels 2004-Q4
TYPE	Region
OBJECTID	184963
SLO_PAR_	64355
SLO_PAR_ID	11333
APN	074-222-002
APN_9	074222002
AREA	87135.416
PERIMETER	1641.718
ACRES	2.000
ASSESSEE	PATAGUE GA & TM
C_O	
ADDRESS_1	3331 VIEWCREST DR
ADDRESS_2	
ADDRESS_3	
CITY	BURBANK
STATE	CA
ZIP	91504
PLUS_4	
SITUS_	00000
DIRECTION	
STREET	LARIAT
TYPE	DR
APT_SPACE	
COMMUNITY	REST
LEGAL	RHO LS OSOS & LL PT
PRIM_LUC	100
LUC_1	101
LUC_2	
LUC_3	
LAND	20511.0000
IMPS	0 0.000
PERS	00 0.00
FIX	000 0.0

1"=500'

5724909.4, 2308126.4 ft

Start [New Memo - Lotus Notes] [Tidemark Advantage (Mu...)] [PhotoMapper]

[Navigation icons] 3:17 PM



COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY
AGRICULTURAL COMMISSIONER/SEALER

AgCommSLO@co.slo.ca.us

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SEP 10 2004

Planning & Bldg

(805) 781-5910

FAX (805) 781-1035

DATE: September 9, 2004

TO: Airlin Singewald, Coastal Team

FROM: Lynda L. Auchinachie, Agriculture Department *LLA*

SUBJECT: Patague Conditional Certificate of Compliance (COC) S030112C (0940)

Summary

The Agriculture Department's review finds that the Conditional Certificate of Compliance for an approximately 2-acre parcel currently within the Residential Suburban land use category would result in **less than significant impacts** to agricultural resources or operations with the incorporation of the following mitigation measures.

Recommended Mitigation Measures

The Agriculture Department recognizes that COCs are not a standard form of subdivision and typical mitigation to reduce impacts to agricultural resources may not be feasible. The Agriculture Department recommends the following:

1. Based on the 1971 Agriculture zoning, the subject parcel should be merged with other adjacent acreage in the applicant's ownership. The resulting parcel should be a minimum of 20 acres, if possible.
2. A buffer of 500 feet from the existing irrigated row crops, located to the north and within the Agriculture land use category, should be established. Because there is an approximately 30 foot access road between the fields and the property boundary, the actual buffer on the proposed parcels would be 470 feet along the entire length of the northern property. The buffer is for habitable structures only.
3. Provide supplemental disclosure to purchasers of these properties concerning the nature of the neighboring agricultural activities, hours of operation, and the county's Right-to-Farm Ordinance.

The comments and recommendations in our report are based the California Environmental Quality Act (CEQA) analysis, and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

COC Exhibit E
(page 1 of 3 pages)

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SEP 10 2004
Planning & Bldg

A. Project Description and Agricultural Setting

The applicant is requesting a Conditional Certificate of Compliance for an approximately 2-acre parcel currently within the Residential Suburban land use category. The project site is located on Lariat Drive, directly north of the intersection with Latigo Avenue, within the community of Los Osos. Properties to the north are within the Agriculture land use category and properties to the south, east, and west are currently within the Residential Suburban land use category. At the time the illegal subdivision occurred, the project site was zoned Agriculture.

The agricultural area to the north supports an extensive amount of irrigated row crops on prime soils. Irrigated row crops on prime soils are also grown on the project site farmed in conjunction with approximately two acres west of the project site.

B. Impacts to On-Site Agricultural Resources

The project site is currently designated for residential uses. At the time the illegal subdivision occurred, the property was zoned Agriculture. The two-acre parcel is not of adequate size to support production agriculture. Development of the parcel with non-agricultural uses would result in the conversion of prime soils.

C. Impacts to Adjacent Agricultural Lands

One of the primary goals of the Agriculture and Open Space Element is to ensure the long-term viability of agricultural resources and operations. Part of the land use review process is to identify potential land use conflicts between proposed development and existing production agriculture.

The agricultural area to the north of the project site supports irrigated row crops. Development of habitable structures could be incompatible with these existing facilities because of noise associated with the operation, truck traffic, dust and pesticide use.

D. Recommended Mitigation Measures

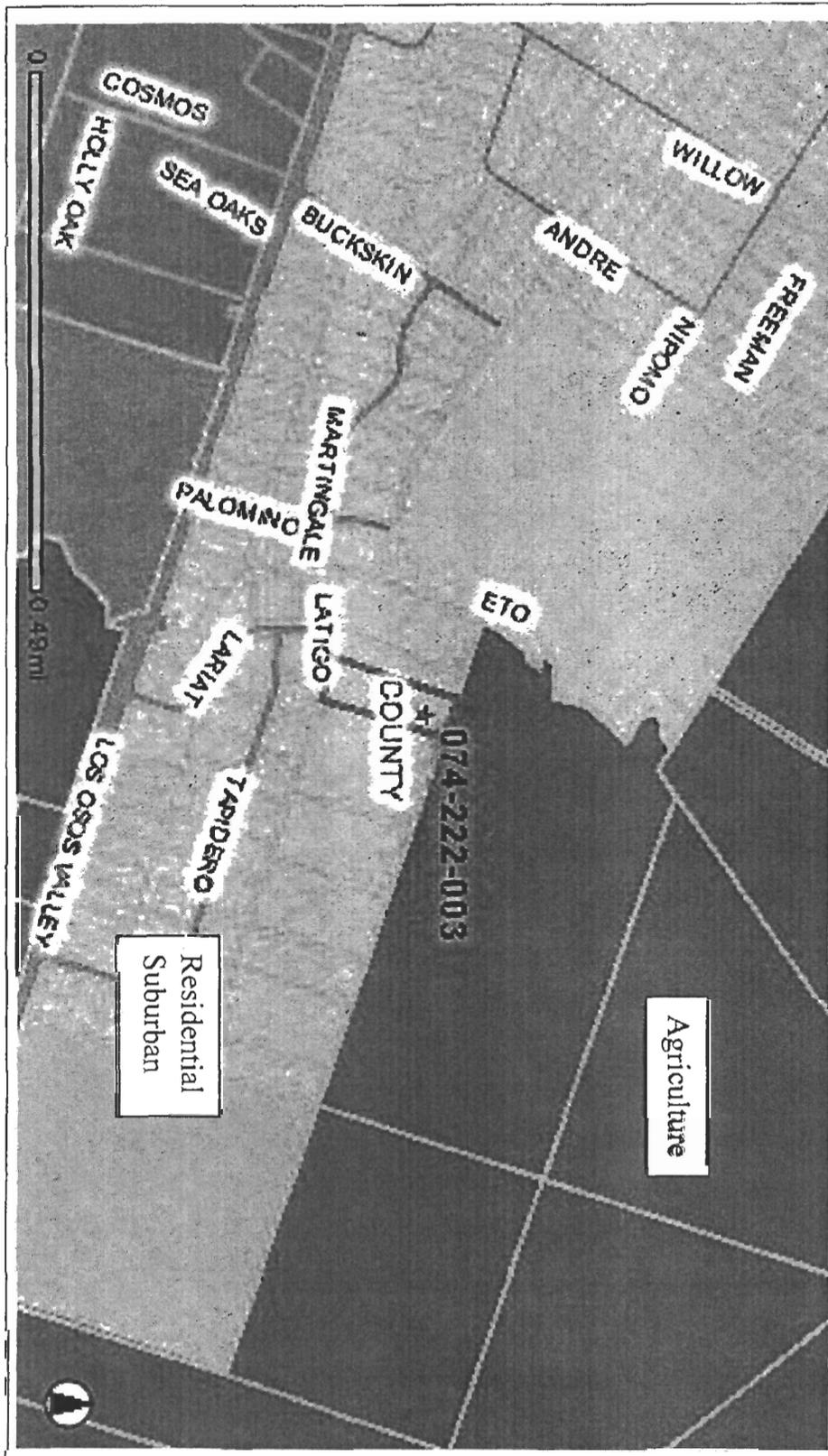
The Agriculture Department recognizes that COCs are not a standard form of subdivision and typical mitigation to reduce impacts to agricultural resources may not be feasible. The Agriculture Department recommends the following:

1. Based on the 1971 Agriculture zoning, the subject parcel should be merged with other adjacent acreage in the applicant's ownership. The resulting parcel should be a minimum of 20 acres, if possible.
2. A buffer of 500 feet from the existing irrigated row crops, located to the north and within the Agriculture land use category, should be established. Because there is an

approximately 30 foot access road between the fields and the property boundary, the actual buffer on the proposed parcels would be 470 feet along the entire length of the northern property. The buffer is for habitable structures only.

3. Provide supplemental disclosure to purchasers of these properties concerning the nature of the neighboring agricultural activities, hours of operation, and the county's Right-to-Farm Ordinance.

If we can be of further assistance, please call 781-5914.



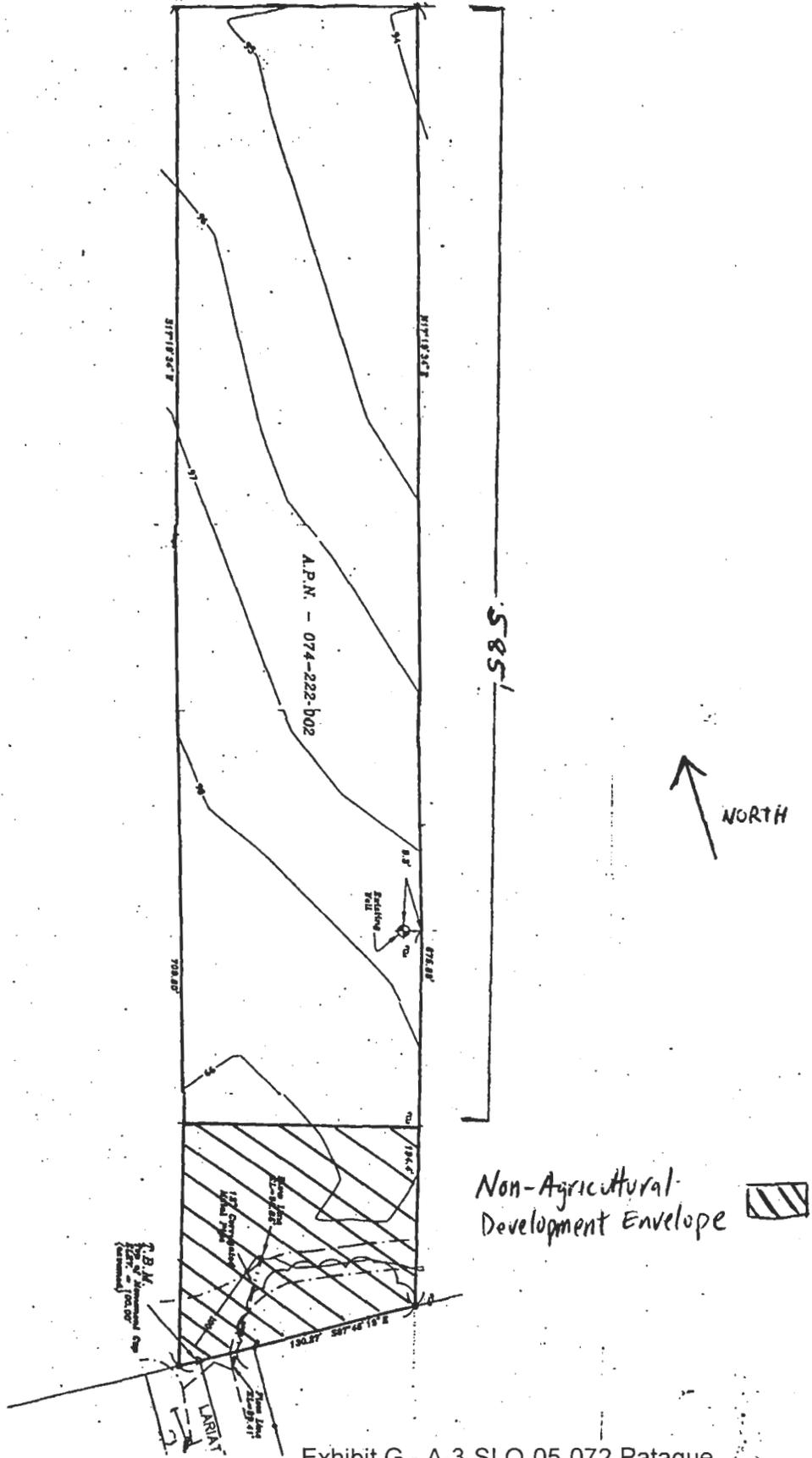
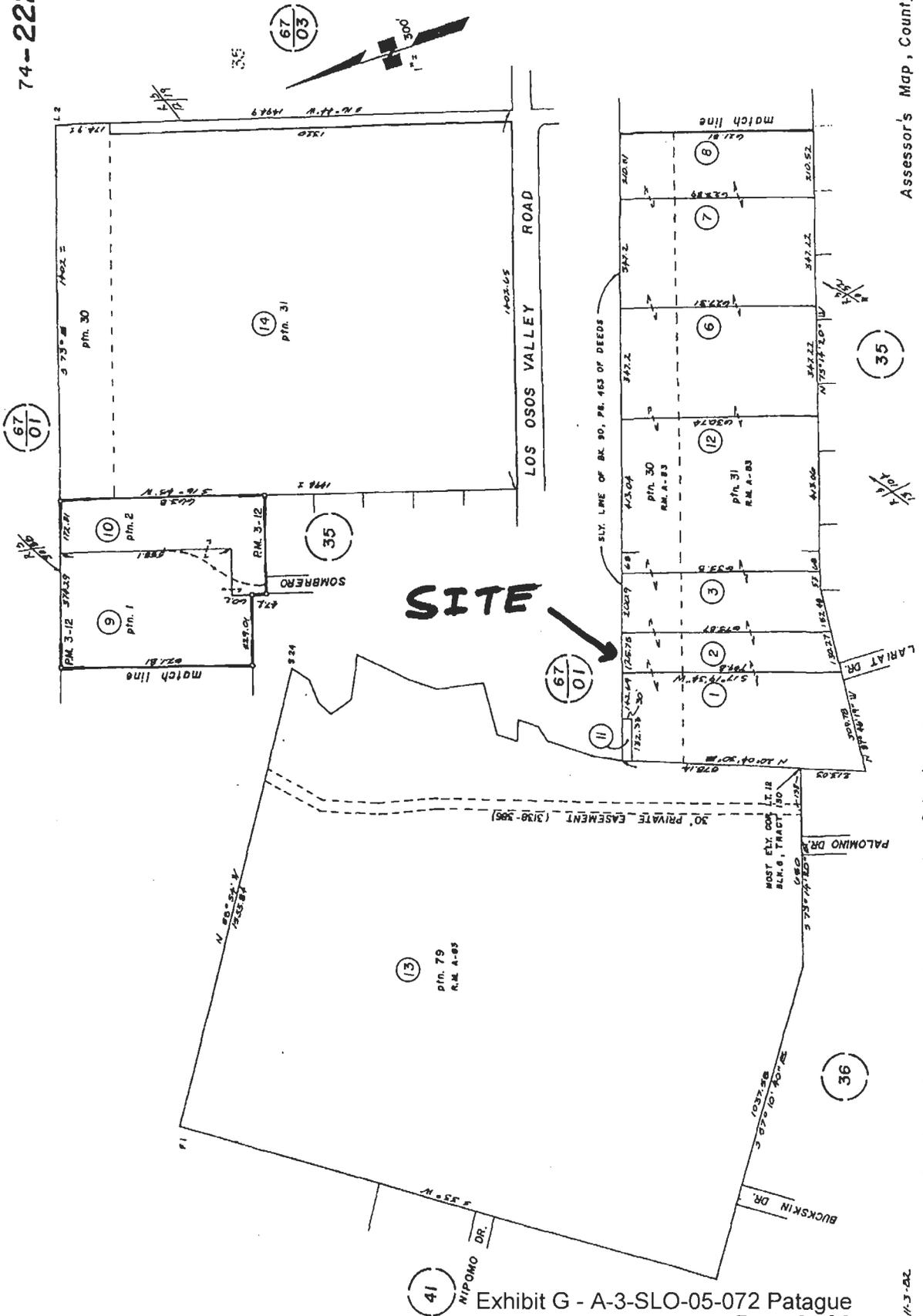


Exhibit G - A-3-SLO-05-072 Patague
Page 1 of 2

74-222



Assessor's Map, County of San Luis Obispo, Calif.

R.M. BK. A, PG. 83---Rho. Canada de los Osos & La Laguna

Rev. 11-3-02



Shaunna Sullivan / Principal

April 3, 2007

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APR 04 2007

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

California Coastal Commission
c/o Katie Morange
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

Via California Overnight

Re: CCC Appeal No. A-3-SLO-05-072
Agenda No. W18a
Patague, Graciano and Teodora

Dear Ms. Morange and Commissioners:

I represent Graciano and Teodora Patague, owners of real property in Los Osos, California, which is the subject of the CCC appeal referred to above. My clients have owned the subject property since they purchased it in 1971. If the appeal is granted, my clients, who are quite elderly and ill, cannot sell their property even though the law in effect in 1971 provided they have a legal lot subject only to the land use laws then in effect (Government Code § 66499.35(b)). We submit the following written materials that were previously provided to staff as exhibits for review by the Commission. These exhibits were submitted in response to the appeal of the issuance of a Conditional Certificate of Compliance which appeal is on the April agenda for hearing.

We would appreciate the Commission's consideration of the hardships this appeal has caused and the unique application of the law to these bona fide purchasers of property without notice of any violation.

Very truly yours,

Sullivan & Associates
A Law Corporation

Shaunna Sullivan

SLS:ejm

encl.

cc: Graciano and Teodora Patague



February 2, 2007

Shaunna Sullivan / Principal

Dr. Charles Lester
Senior Deputy Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Dr. Charles Lester
Senior Deputy Director
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

*Re: Commission Appeal No. A-3-SLO-05-072
Applicants: Teodora & Graciano Patague
Local Permit No. S030112C/CO 03-0354*

Dear Dr. Lester:

We currently represent Teodora & Graciano Patague, owners of real property located in the County of San Luis Obispo, California, APN# 074-222-002. The Patagues have been attempting to sell the property for almost four years, but are unable to do so because of a Notice of Violation recorded against the property in 1979 for an alleged violation of the Subdivision Map Act resulting from a 1964 conveyance of an adjacent parcel by previous owners. As the Patagues did not acquire their interest in the property until 1971, they played no part in the alleged improper subdivision and were unaware of any alleged violation until the Notice of Violation was recorded almost fifteen years later.

On September 16, 2005, the San Luis Obispo County Department of Planning and Building finally issued the Patagues a Conditional Certificate of Compliance pursuant to Government Code section 66499.35(b). However, the Conditional Certificate of Compliance was subsequently appealed by the California Coastal Commission on October 14, 2005, further delaying any use of the Patagues property.

On October 27, 2005, our client signed a waiver of the 49 day rule for an appeal of a local government coastal development permit decision set forth in Public Resources Code sections 30621 and 30625(a). In such waiver, we requested a hearing date no later than

Dr. Charles Lester
February 2, 2007
Page 2

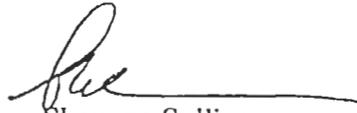
March 10, 2006. As that deadline came and went, Jonathan Bishop informed us that the earliest date the matter could be set for hearing would be in December 2006. In more recent months, we have been led on to believe that the Patagues' hearing would be set on the Coastal Commission's March 2007 agenda. It was not until a telephone conference held on January 31, 2007 that we were informed a March hearing date was not guaranteed.

Our clients are both seventy-four (74) years old. They are elderly and in ill health. Teodora's eyesight is deteriorating. The Patagues are in need of resolving this matter which began almost four years ago, so that they may go on to sell the property for their retirement. In addition, California Code of Civil Procedure section 36 provides preference in civil actions for similarly situated persons. All things considered, we believe the Patagues should be entitled to a spot on the Commission's March agenda. When we advised our client to sign the 49 day waiver back in October of 2005, we did not expect to have to wait indefinitely for a new hearing date. Although the Commission's appeal was made almost sixteen months ago, still no hearing date has been set, and according to a January 31, 2007 conversation with Mr. Bishop, even the March 2007 date cannot be guaranteed at this time.

For the reasons discussed above, we request that the Patague matter be set for hearing on the Commission's March 2007 agenda. Please let me know if there is anything else we can do to help keep the appeal progress moving forward, and if you have any questions or comments, feel free to give me a call.

Very truly yours,

Sullivan & Associates
A Law Corporation



Shaunna Sullivan

SLS:ejm
cc: Graciano and Teodora Patague



January 30, 2007

Shaunna Sullivan / Principal

California Coastal Commission
Central Coast District Office
c/o Jonathon Bishop
725 Front Street, Suite 300
Santa Cruz, CA 95060

Via Facsimile: (831)427-4877

*Re: CCC Appeal of Conditional Certificate of Compliance for
A-3-SLO-05-072 (Patague, Graciano and Teodora)*

Dear Mr. Bishop:

These are the questions we anticipate arising in our telephone conference, currently scheduled for Wednesday, January 31, 2007 at 3:00 p.m.:

1. Why was the remainder of the Morro-Los Osos Land & Investment parcel, containing over 35 acres and including the Patagues' parcel, given illegal status due to the 1964 transfer of the small well site (APN# 074-222-011)?
2. Why was the 3 acre parcel, APN# 074-222-010, transferred in the same deed as the well site, not given illegal status due to the transfer of the small well site?
3. Why was the well site transfer to Los Osos Valley Memorial Park not exempted from the minimum parcel size requirements under section 66412 of the Subdivision Map Act, which states, "this division shall be inapplicable to: ...(c) land dedicated for cemetery purposes under the Health and Safety Code"?
4. Does the Notice of Violation have any legal basis other than the allegedly illegal transfer of the well site, which consisted of less than 1/10th of an acre?
5. The Notice of Violation was recorded in 1979, eight years after the Patagues' purchase of the subject parcel in 1971. The Patagues were bonafide purchasers of the property for value with no notice of any violations. Why is the presumption of lawful creation for parcels created prior to March 4, 1972 set forth in Government Code section 66412.6 not applicable to the subject parcel? Why would section 66412.6 not mandate issuance of an **unconditioned** certificate of compliance?

6. Government Code section 66499.35 states that if the local agency determines that a parcel complies with the provisions of the Subdivision Map Act, then it *shall* issue a certificate of compliance, and if the local agency determines that a parcel does not comply with the provisions of the Subdivision Map Act, then it *shall* issue a conditional certificate of compliance. Why does the Commission believe it is exempt from these statutory directives and that it has the authority to deprive the Patagues of a certificate which is statutorily mandated under section 66499.35?
7. How does the Commission address the case law cited for the proposition that issuance of a certificate, conditional or otherwise, is ministerial and required in all cases when one is requested by the landowner?
8. What additional requirements, existing at the time of purchase in 1971, could the Patagues' certificate of compliance potentially be conditioned on which have not already been made part of the County's Conditional Certificate of Compliance?
9. How are the neighboring lots, APN# 074-222-012 and 074-222-006, which are also subject to the Notice of Violation for the alleged illegal transfer of the well site in 1964, different from the Patagues' lot such as to justify being previously granted certificates of compliance?
10. What regulation existing in 1971 grants the authority to require agricultural buffer zones?
11. Why should the Patagues' 125.75 foot wide parcel be subject to an agricultural buffer zone when no other portion of the remaining 2533.8 foot wide northern border of the original parcel is subject to a similar restriction?
12. What benefits, if any, will the narrow buffer, encompassing less than 5% of the northern border of the original parcel, provide? How will these benefits, if any, outweigh the damage to the Patagues caused by the buffer, which will serve to restrict the use of over 50% of their parcel?
13. The stated purpose of a Residential Suburban classification is to provide "a buffer between the more intensive urban community and adjacent agricultural areas" and to ensure that heavy residential development does not directly border existing

Jonathon Bishop
January 30, 2007
Page 3

- agricultural land. How do you reconcile the purported requirement of a buffer zone on the Patagues' property when their entire parcel is part of an already existing Residential Suburban buffer zone? Isn't the purported requirement of a buffer zone within a existing buffer zone inconsistent?
14. Do the Patagues' prior or proposed uses of the property violate any of the regulations for properties classified as Residential Suburban? If so, how?
 15. What evidence is there to support the claim that the parcel contains "prime agricultural land"?
 16. Only three of the ten lots which now make up the original parcel remain undeveloped, and one of those three has already been issued an unconditioned certificate of compliance. Why should the Patagues' lot be treated any differently than these previously developed and already approved lots?
 17. How could the provisions of the current local coastal plan serve to negate the statutory provisions cited above and in our August 18, 2006 correspondence regarding these issues, including Government Code section 66499.35, which states that the local agency may impose conditions on a certificate of compliance "as would have been applicable to the division of the property at the time the applicant acquired his or her interest therein"?

If you have any questions or comments, please feel free to call me. I look forward to speaking with you on Wednesday.

Very truly yours,

Sullivan & Associates
A Law Corporation



for Shaunna Sullivan

SLS:ejm

cc: Graciano and Teodora Patague



A LAW CORPORATION

Shaunna Sullivan / Principal

August 18, 2006

RECEIVED

APR 04 2007

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

California Coastal Commission
Central Coast District Office
c/o Jonathon Bishop
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: CCC Appeal of Conditional Certificate of Compliance for
A-3-SLO-05-072 (Patague, Graciano and Teodora)

Dear Mr. Bishop:

This letter addresses the appeal by the California Coastal Commission (CCC) of the Conditional Certificate of Compliance issued by the San Luis Obispo County Subdivision Review Board to Graciano and Teodora Patague on September 12, 2005. For the reasons set forth below, we contend that the CCC appeal of the conditional certificate of compliance issued for the parcel at issue, APN # 074-222-002, should be withdrawn or dismissed. The conditions to the certificate of compliance issued already exact more than should be required of these bonafide purchasers of this property purchased in 1971. The Patagues have been unable to sell or develop their property without first obtaining a certificate of compliance due to the recordation in 1979 of a Notice of Violation for an alleged violation of the Subdivision Map Act that resulted from a conveyance in 1964 (Subdivision Map Act §66499.35).

As per your request, a full detailed chain of title has been included and attached herein as Exhibit A. However, the following sets forth the pertinent recorded events. A deed dated August 14, 1958 and recorded in the Recorder's Office of San Luis Obispo County granted a large piece of land consisting of approximately 38 acres to Morro-Los Osos Land and Investment Company (hereinafter "original parcel").

Morro-Los Osos Land & Investment Co. later executed a deed dated December 31, 1964 conveying two parcels out of the original parcel to Los Osos Valley Memorial Park, Inc. The parcels granted to Los Osos Valley Memorial Park consisted of an approximately three acre lot (APN # 074-222-010), and a small well site of approximately 3930 square feet (hereinafter "well site"). The well site consisted of less than one tenth (1/10th) of an acre in size and was assigned the APN # 074-222-011.

Almost 15 years later, the San Luis Obispo County Subdivision Review Board found that the 1964 conveyance of the well site was an illegal subdivision under the Subdivision Map Act. The County also claimed the well site violated San Luis Obispo County Ordinance 509, adopted on September 12, 1960, an exceedingly difficult ordinance to find or read that prohibits creation of lots less than three acres in size without first having subdivision approval by the County. Local Ordinance 509 has been included herein and is attached as Exhibit B. Because the 1964 well site conveyance was considered illegal by the local Subdivision Review Board, the Board deemed that the remainder of the original parcel still belonging to Morro-Los Osos Land & Investment Co. was in violation of the Subdivision Map Act as well, warranting issuance of a Notice of Violation.

While the remainder of the original parcel and the well site were subjected to a Notice of Violation, the other three acre parcel transferred to Los Osos Valley Memorial Park (APN # 074-222-010) in 1964 was considered by the Subdivision Review Board to be a legal transaction and not subject to the relevant Notice of Violation. The Board has provided no explanation as to why the remainder of the Morro-Los Osos Land & Investment parcel, containing over 35 acres in total, was given illegal status due to the transfer of the small well site, while the transfer of APN # 074-222-010 in the same deed was considered to be legal and free of any restrictions of the Notice of Violation.

In subsequent recorded deeds, Morro-Los Osos Land & Investment Co. then divided and conveyed the remainder of the original parcel to three different purchasers: approximately 17 acres to Gregorio and Catalina Menor (hereinafter "Menors"), 10 acres to Tiburcio and Juanita Gaoiran, and over 8 acres to Ambrocio and Rosalia Galvez. All of the parcels that comprised the original parcel, other than the three acre piece conveyed to the cemetery (APN # 074-222-010), became encumbered by the Notice of Violation recorded by the Subdivision Review Board on November 19, 1979 due to the transfer of the well site, APN # 074-222-011. Prior to recordation of the Notice of Violation, the Menors divided their approximately 17 acre parcel into four lots and sold three of them to different buyers, reserving the two acre subject parcel for their own use. The Menors transferred five acres to Ray Ocol, three acres to Bernaldo and Adela Patague, and seven acres to Victor Dres, George Menor, and Irene Galo. None of these transfers were challenged by the local Subdivision Review Board as violative of the Subdivision Map Act or local ordinance. Rather, the County maintained that all parcels within the original parcel were in violation solely due to the transfer of the well site (APN # 074-222-011) by Morro-Los Osos Land & Investment to Los Osos Valley Memorial Park.

On November 19, 1971, seven years after the conveyance of the well site to Los Osos Valley Memorial Park, the subject parcel, APN # 074-222-002, was purchased by Graciano and Teodora Patague (hereinafter "Patagues") from the Menors, who acquired it in 1964. At that time, the Patagues purchased a title insurance policy from Security Title Insurance Company insuring that their lot was marketable. Eight years after the Patagues' purchase, the Subdivision Review Board claimed that all parcels within the original parcel after the sale to the cemetery were subject to a recorded Notice of Violation arising from the illegal 1964 conveyance of the well site (APN # 074-222-011). The deed history prepared by the San Luis Obispo Subdivision Review Board states, "The original violation date was December 31, 1964 for 1331, OR 267 which the APN # 074-222-002 is subject to." The document the County made reference to, recorded at the San Luis Obispo Recorder's Office in book 1331, at page 267, is the deed conveying the well site (APN # 074-222-011) and other three acre parcel (APN # 074-222-010) to the cemetery. A Notice of Intention to record a Notice of Violation was recorded against the Patague's property on August 22, 1979, and a Notice of Violation was recorded on November 19, 1979. Security Title Insurance Company denied any responsibility because the Notice of Violation was not recorded at the time the Patagues purchased the property and there was no actual or constructive notice of any problem with the title of the subject parcel.

A copy of the deed history prepared by the local Subdivision Review Board has been included herein for your convenience and attached as Exhibit C. Other than their deed history, no file remains to support the Notice of Violation. The county claims that the file and any information prepared for or by the San Luis Obispo Subdivision Review Board for the Notice of Violation on the subject parcel, APN # 074-222-002, has been lost. This has created obvious difficulties in our attempt to uncover any legal support for the issuance of the Notice of Violation which recordation requires the Patagues to apply for a certificate of compliance to be able to sell their property.

The Patagues were good faith purchasers for value, and had no notice of the alleged illegal subdivision of APN # 074-222-011 from almost seven years earlier, nor any reason to believe it affected their own lot in any way. Due to the cloud on title created by the Notice of Violation, the Patagues have applied for a certificate of compliance or a conditional certificate of compliance to declare their lot, APN # 074-222-002, a legal lot. After much delay and compromise on the part of the Patagues, the San Luis Obispo Subdivision Review Board granted a conditional certificate of compliance on September 12, 2005. The California Coastal Commission (CCC) filed their appeal of that conditional certificate of compliance on October 14, 2005.

A. The Notice of Violation was Improperly Recorded

It is our position that the Notice of Violation was improperly recorded against the Patague property and a certificate of compliance should have been issued without conditions declaring the lot to be a legal one.

The County contends that the basis for recording the Notice of Violation on the original parcel including the Patagues property was due to the creation and conveyance of the well site to a cemetery specifically exempt from the Subdivision Map Act. The deed history created and relied upon by the Subdivision Review Board stated that the deed transferring the subject parcel to the Patagues was an "illegal transaction *given* the illegal transaction on 1331, OR 267 for APN: 074-222-011."

We contend the Subdivision Map Act is inapplicable to the 1964 transfer of the well site (APN # 074-222-011) and as such, cannot be the cause of that lot or the subject lot being declared violative of the Subdivision Map Act. Section 66412 of the Subdivision Map Act specifically states that "this division shall be inapplicable to: (c) land dedicated for cemetery purposes under the Health and Safety Code." The Health and Safety Code defines a cemetery as any place where six or more human bodies are buried (Health and Safety Code §8100). Los Osos Valley Memorial Park was established as an endowment care facility in 1962, and has well over the required number of burial sites to fit the definition of a cemetery under the Health and Safety Code. The Memorial Park continues to exist today, and has since added a crematory and funeral home.

The transfer of the well site (APN # 074-222-011) to Los Osos Valley Memorial Park, Inc. should have been exempted from the minimum parcel requirements of the Subdivision Map Act pursuant to §66412(c). Thus, the Subdivision Review Board was incorrect in asserting that the transfer of APN # 074-222-011 to the cemetery was illegal, and also incorrect in asserting that the subject parcel (APN # 074-222-002) or any other portion of the original parcel remaining after the 1964 transfer of APN # 074-222-011, was also illegal. It is also inconsistent for the County to claim that the other parcel granted to the cemetery in the same deed as the well site grant, APN # 074-222-010, is legal and conforming while the rest of the original parcel is not.

The transfer of the well site (APN # 074-222-011) should have been exempted from the relevant provisions of the Subdivision Map Act, so the Notice of Violation on the subject parcel is based upon the erroneous determination by the County that both the small transfer

of the well site to the cemetery and the entire remaining portion of the original parcel were violations of the Subdivision Map Act. Because it has no legitimate basis, the Notice of Violation is improper and a certificate of compliance must be granted to the Patagues for their parcel without any conditions attached.

B. The Parcel is Conclusively Presumed to Have Been Lawfully Created

Government Code Section 66412.6 requires certain parcels created prior to March 4, 1972 to be conclusively presumed to have been lawfully created. (Subdivision Map Act §66412.6(a) and (b)). Section 66412.6(b) states "any parcel created prior to March 4, 1972, shall be conclusively presumed to have been lawfully created if any subsequent purchaser acquired that parcel for valuable consideration without actual or constructive knowledge of a violation of this division or the local ordinance."

The Patagues' parcel is clearly within the presumption created by §66412.6(b). The Patagues were subsequent purchasers in 1971, who paid valuable consideration for the property almost seven years after the 1964 deed to the cemetery. When the Patagues acquired their interest in the subject parcel, there was no Notice of Violation, Notice of Intention to Record a Notice of Violation or any other recorded document which would have given them actual or constructive knowledge that the County considered their lot illegal. The Subdivision Review Board did not record a Notice of Violation until eight years after the Patagues purchased the property, almost fifteen years after the alleged illegal subdivision of the small well site, APN # 074-222-011. In any event, the Notice of Violation was wrongfully issued based upon the exempt conveyance of the cemetery lot.

During the processing of this certificate of compliance, the County inappropriately argued that section 66412.6(b) did not apply unless the applicants also met the presumption in section 66412.6(a), requiring a showing that the lot resulted from a division of land in which fewer than five parcels were created and at the time of creation there was no local ordinance in effect which regulated divisions of land creating fewer than five parcels. The County used this reasoning to ignore the presumption created for subsequent purchasers for value without notice pursuant to §66412.6(b). The statute, however, is very clear in that it creates two distinct situations which will create a presumption of lawful creation. In fact, the presumption created by section (a) existed separately and alone for six years until a 1981 amendment added the second presumption. As bonafide purchasers, the Patagues are entitled to the protection and validation of their legal parcel provided by section 66412.6(b). The Patagues' lot is conclusively presumed to have been lawfully created pursuant to Government Code §66412.6(b).

Section 66412.6(b) states that bonafide purchasers of parcels affected by this section shall be required to obtain a certificate of compliance or a conditional certificate of compliance pursuant to §66499.35. Government Code §66499.35 states whether the county determines that a parcel complies or doesn't comply with the provisions of the Subdivision Map Act and local ordinances, the county *shall* file a certificate of compliance or a conditional certificate of compliance for the parcel. In good faith, this is what the Patagues have been attempting to accomplish, but which has subjected them to a time consuming, exceedingly expensive, arbitrary and discriminatory process.

The Subdivision Map Act does not give the local agency the authority to deny the applicants a certificate. Rather, it directs the agency to issue either a certificate of compliance or a conditional certificate of compliance. Issuance of a mandatory certificate of compliance or conditional certificate of compliance is ministerial rather than discretionary. See *Findleton v. Board of Supervisors of El Dorado County*, 12 Cal. App. 4th 709 (1993), where the court held that the Permit Streamlining Act did not apply to an application for a certificate of compliance because the issuance of a certificate of compliance is a ministerial act and not a discretionary act (*Findleton v. Board of Supervisors of El Dorado County*, 12 Cal. App. 4th 709 (1993)). The *Findleton* court stated that an act is ministerial when it is the "doing of a certain thing that is unqualifiedly required." (*Findleton*, at 713.) When a parcel is found to be in non-compliance, the county *shall* issue either a certificate of compliance or a conditional certificate of compliance. The court in *Hunt v. County of Shasta* held that under §66499.35 of the Subdivision Map Act, a county must file either a certificate or a conditional certificate of compliance in all cases when one is requested by the landowner (*Hunt v. County of Shasta*, 225 Cal. App. 3d 432 (1990), citing California Subdivision Map Act Practice (Cont. Ed. Bar 1987) §8.9, Update June 1992, pp. 75-76). The agency's only discretion is in deciding whether or not to impose conditions on a certificate of compliance when a parcel is found to be in noncompliance with the Subdivision Map Act or local ordinance. The Coastal Commission, which was enacted after the subject parcel was created, is limited to the same Subdivision Map Act constraints, and therefore, like the County, is not empowered to deprive the Patagues of the certificate to which they are statutorily entitled under the Subdivision Map Act.

C. Any Conditions to Issuance of a Certificate of Compliance Cannot Exceed Those Required in 1971

Furthermore, even if some discretion in conditioning the certificate is available, a conditional certificate of compliance must be granted in accordance with the standards that would have been applied to the property at the time the Patagues acquired their interest in

1971. Government Code §66499.35 states that the local agency may impose conditions on the granting of a certificate of compliance “as would have been applicable to the division of the property at the time the applicant acquired his or her interest therein.” (Subdivision Map Act §66499.35).

The Coastal Commission’s assertion that the parcel does not meet the current minimum parcel size standards of the Estero Area Plan Residential Suburban Standard #1 (their second reason for appeal) cannot be utilized to deny a certificate of compliance and cannot be a condition imposed under the Coastal Act, adopted after 1971, to circumvent the Government Code §66499.35 (b) limitations. The Patagues do not own property adjacent to the subject parcel and cannot combine the subject parcel with any other property to increase the size of their lot. However, as stated above, lots purchased prior to March, 4, 1972 by bonafide purchasers without notice of any violations are conclusively presumed to be lawfully created (Subdivision Map Act §66412.6(b)). Government Code §66499.35(b) states that even if such lots are not in compliance with the local ordinance or Subdivision Map Act, a certificate of compliance or a conditional certificate of compliance shall be issued declaring that lot to be legal. The presumption created for bonafide purchasers takes into account any illegalities in the property which the purchasers had no actual or constructive notice of at the time of purchase, including minimum parcel size standards. Certificates of compliance are the means provided by the Subdivision Map Act by which such lots can gain legal status, and those illegalities, such as size, cannot also serve as the reason to deprive applicants of a certificate. The purpose of the certificate of compliance is to recognize that even though a lot is of an insufficient size, if it was purchased by an innocent party prior to 1972, the purchasers are entitled to issuance of a certificate of compliance for a determination that their lot is a legal one. Even CEQA conditions and standards cannot be imposed as CEQA only applies to discretionary projects, whereas ministerial projects such as issuance of a certificate of compliance are excluded from CEQA conditions by Public Resources Code §21080(b)(1).

The agency can only apply additional conditions that would be applicable to a current division of property if the applicant was the owner of record who was responsible for the division which resulted in the violation (Subdivision Map Act §66499.35(b)). The Menors were the owners of record who created the subject parcel and others now allegedly in violation of the Subdivision Map Act and local ordinance. The Menors have sold all of the property once conveyed to them from the remainder of the original parcel. However, Victor Dres, George Menor, and Irene Galo (hereinafter “Dres, Menor and Galo”), owners of two lots next to the subject parcel, APN # 074-222-0012 and APN # 074-222-006, have applied

for and been granted a certificate of compliance on one of their lots and a conditional certificate of compliance on the other. These Certificates have been included herein and attached as Exhibit D. To deny the Patagues, bonafide purchasers without notice, a certificate of compliance or to create conditions on a conditional certificate of compliance in excess of those required of Dres, Menor and Galo violates §66499.35(b) of the Subdivision Map Act.

The conditional certificate of compliance issued for Dres, Menor and Galo only required that they provide evidence of adequate and potable water, have percolation soil tests performed in the area of the proposed sewage disposal system, ensure that any sewage disposal system is separated by all domestic wells by a certain distance, offer to dedicate to the public a 25 foot buffer along the northern edge of the property, and establish all-weather physical and legal access. The certificate of compliance issued for their other lot was unconditioned, and they have owned and developed that lot without any restrictions on its use.

On the other hand, discussions with the San Luis Obispo Department of Planning regarding the application for a certificate of compliance for the Patagues revealed that the County was recommending approval only if the Patagues met the conditions set forth in Exhibit E, including: execution of a shared well agreement, dedication of a 60 foot road right-of-way along the south edge of the property with one half of the standard road knuckle connection to Lariat Drive; construction of a paved road, 2/3 of a county standard road, to connect to Lariat Drive; submission of a detailed landscape plan for a dense landscape strip and/or berm combination along the newly constructed road requiring another 30 foot landscape buffer; construction and extension of the water main along the full length of the newly constructed road across the property and installation of a fire hydrant near the eastern edge of the property (even though no water company services the area); and establishment of a 500 foot agricultural buffer zone extending from the northern edge of the property upon which no habitable structures may be built. Between the 60 foot road right-of-way, the 30 foot landscaping buffer, and the 500 foot suggested agricultural buffer, the County was recommending conditions which precluded the use and enjoyment of over 80% of the Patagues parcel, leaving little over 100 square feet to develop. These conditions are so extensive they effectuate a taking without just compensation from these bonafide purchasers who are entitled to the protection afforded by Gov. Code §66412.6(b) of a conclusive presumption of legal creation of their lot. Not surprisingly, the Patagues objected to all these new conditions the County sought to impose on these applicants who purchased the property without notice of any violations of a local ordinance or the Subdivision Map Act.

An application for a certificate of compliance for the subject parcel was first filed in October of 2003. As a condition precedent to setting the hearing for consideration of the Patagues' application for a certificate of compliance, the Patagues were wrongfully required to conduct an archaeology study and submit a report, provide a well completion report, pump tests and full water quality report, and sign a developer's statement requiring the Patagues to provide a 375 foot agricultural buffer zone. Although other than the well test, none of the foregoing conditions were required in 1971, the Patagues were willing to agree to these conditions if the certificate of compliance issued so they could finally sell their property.

Discussions with the County continued for over two years, resulting in large expenses and long delays for the Patagues, before the County finally approved a conditional certificate of compliance for the subject parcel in September of 2005. In fact, the County refused to set the matter for hearing unless and until a developer's statement was signed by the Patagues. In that certificate the County conditioned approval on completion of a well completion report, pump tests, and a full water quality report, a deed restriction creating a 375 foot agricultural buffer from the northern border of the lot over which no structures can be built for human habitation (which still includes over 50% of their parcel), required disclosures to all prospective buyers of the dust, noise, odors, chemicals and the right to farm ordinance in effect on the adjacent parcels, application for a Notice of Voluntary Merger, dedication of a thirty (30) foot road right-of-way along the southern edge of their property and connection to Lariat Drive, construction of a ½ county-standard gravel road surface along Lariat Drive (which will be to the benefit of all owners subject to the original alleged illegal transfer of the well site to the cemetery), and compliance with all standard conditions of approval for lots using individual well and septic tanks.

Not only did the above conditions far exceed any conditions that would have applied to the parcel in 1971, when the Patagues acquired their interest, the County imposed far more of these bonafide purchasers than they did in the certificates of compliance issued in 1980 to Dres, Menor and Galo for the neighboring properties. The local Agricultural Buffer policies were not adopted by the County Department of Agriculture until 1990, yet, the Department of Agriculture still demanded the imposition of a 500 foot, and later a 375 foot agricultural buffer. The Department insisted that these buffers could be required under CEQA even if the policy was not formally adopted until 1990. There should be no buffer zone required as no local policy required them in 1971. Certainly, there should not be any buffer applicable to the Patague's 1971 purchase, which was then not applicable to the Dres, Menor, and Galo's applications in 1980. Further, the Patagues are entitled to additional

protection under the presumption created for good faith purchasers without notice by Government Code §66499.35(b).

Although it has been inequitable to require the Patagues to comply with all of these extra conditions, the Patagues, nonetheless, were willing to agree to concessions demanded by the County because they were told it was the only way to set a hearing with the Department of Planning and Building for evaluation of their application for a certificate of compliance. Now even that certificate, with conditions attached far beyond what could be required under the Government Code, has been appealed by the CCC, preventing any use or sale of the property by the Patagues.

D. No CEQA Conditions That Were Not in Effect in 1971 Can Be Imposed

The 375 foot agricultural buffer and required disclosures to all prospective buyers of the dust, noise, odors, chemicals and the right to farm ordinance in effect on the adjacent parcels are conditions purportedly required under CEQA. However, CEQA does not apply to ministerial projects subject to approval by public agencies. (California Environmental Quality Act §21080(b)(1)). As discussed above, Findleton v. Board of Supervisors of El Dorado County clearly held that the issuance of a certificate of compliance is a ministerial duty to be performed by the local public agency when a parcel is found to be in compliance with the Subdivision Map Act and local ordinances (*Findleton*, at 713). CEQA does not apply to the ministerial issuance of a certificate of compliance. Therefore, the buffer and any required disclosures are improper conditions which the agencies have no authority to require of the Patagues. During the hearing on the Patague's application, the Subdivision Review Board agreed, in fact, that CEQA did not apply to the Patagues' parcel and admitted that by signing the developer's statement to schedule a hearing, the Patagues had already agreed to conditions in excess of what the law required of them.

Even if CEQA did apply to the issuance of a conditional certificate of compliance for the Patague parcel, only those CEQA regulations which would have been applied in 1971 are applicable (Subdivision Map Act §66499.35(b)). Because the local department had no buffer policy in effect in 1971, the requirement of a 375 foot buffer zone is unwarranted and inconsistent with other certificates of compliance at that time. No other portion of the 35 acre remainder of the original parcel from the transfer of the small well site to the cemetery includes such a requirement. The result will be that of the entire 2533.8 foot northern border of the original parcel, only the 125.75 foot wide lot section owned by the Patagues will be subjected to providing an agricultural buffer zone. If the purpose of the buffer is to protect

the land directly to the north of the area in question, then a buffer should have been required for all lots applying for certificates of compliance since the Notice of Violation was recorded in 1979. Less than 5% of the border between the several parcels at issue and the agriculture land to the north of those lots will be protected by use of a buffer in this instance. On the other hand, the buffer will serve to restrict the use of over 50% of the Patagues parcel. The protection the buffer will afford the agricultural land (less than 5%) is incredibly disproportionate to the injury caused to the Patague's parcel.

As stated in the Estero Local Coastal Plan approved by the CCC, the purpose of the Residential Suburban zoning classification required of this area is to provide "a buffer between the more intensive urban community and adjacent agricultural areas" and to ensure that heavy residential development does not directly border existing agricultural land. (Estero Area Plan, Chapter 6(B), pg. 48). A copy of the relevant section has been included herein and attached as Exhibit F. The nature of a Residential Suburban zoning classification is to serve as a buffer in and of itself between the agricultural land to the north of the parcels in question and the heavy residential uses to the south. To enforce an additional agricultural buffer within the already existing Residential Suburban zoning buffer is an unwarranted taking.

The local Subdivision Review Board also conditioned their approval on the construction of a ½ county-standard gravel road surface along Lariat Drive, which will serve to provide access for the owners of all parcels created out of the original parcel. This condition requires that the entire cost of paving an access road to the several lots will fall on the Patagues, even though they were innocent purchasers without notice of any violation and all other owners will benefit equally or more from the improvements to Lariat Drive. This requirement is unjust because the other owners of land once consisting of the original parcel owned by Morro-Los Osos Land & Investment Co. in 1964 will gain the full advantage and benefit from the road while contributing absolutely nothing to it.

E. The Subject Parcel is Not Viable Agricultural Land

The Coastal Commission's third reason for appeal concerns the requirements for the subdivision of agricultural lands. However, the Patagues are not now and have not at any time in the past attempted to subdivide their property. The subdivision was achieved by the Menors in 1964 when they divided and sold their 17 acres into four parcels. The Coastal Commission is asking the Patagues to meet requirements to justify a division of their parcel committed by another party over forty years ago, almost seven years prior to the time they

acquired any interest in it. Dres, Menor and Galo were not required to make factual findings regarding the agricultural economy in their applications for certificates of compliance even though their lots were created in exactly the same fashion as the Patagues. It would be entirely unjustified to now require the Patagues to meet the requirements for the subdivision of agricultural lands when they have never sought to subdivide any agricultural land. The buffer and notice requirements were recommended by the Department of Agriculture, but in correspondence with the Department of Planning and Building regarding the Patague certificate of compliance, that Department also prefaced their recommendation by asserting that certificates of compliance are not typically a type of subdivision, and therefore their conditions may not be feasible. A copy of this correspondence has been included herein and attached as Exhibit G.

The Subdivision Map Act states that a conditional certificate of compliance can be conditioned on requirements applicable to the property at the time the applicants acquired their interest in it (Subdivision Map Act §66499.35(b)). Although the Coastal Commission may have the authority to review local decisions on conditional certificates of compliance pursuant to San Luis Obispo Local Ordinance 21.08.020, which defines conditional certificates of compliance as a type of "subdivision development" subject to Coastal Commission review, the Commission does not have the authority to impose restrictions and conditions on this parcel's certificate in excess of those allowed by state and local laws that were not yet enacted in 1971. A declaration by the local ordinance that a conditional certificate of compliance is "subdivision development" subject to review by the Commission, does not circumvent Subdivision Map Act protection afforded to bonafide purchasers without notice who bought their property 35 or more years ago.

In addition, the Coastal Commission states in their appeal that the parcel is undeveloped and has a history of being in agricultural use. However, the current zoning classification for the area is Residential Suburban, and the Patagues proposed use of the parcel is in conformity with the restrictions applicable to Residential Suburban areas. The appeal seems to require the Patagues to provide information about a subdivision that occurred seven years prior to their obtaining any interest in the lot and proof of continuing agricultural use under the former agricultural zoning classification which is no longer relevant to their uses or to the area. To force the Patagues to meet these new requirements is not only unjust, but also at variance with the provisions of the Subdivision Map Act.

Regardless of the seemingly unwarranted condition that property zoned Residential Suburban to buffer agricultural uses from residential uses must also prove a lack of agricultural viability, the subject parcel is not viable agricultural land in Los Osos. This awkwardly shaped, long and narrow parcel has not been farmed the past couple of years and never was economically feasible to farm. A certificate of compliance will not diminish the production of *any* crops common to the agricultural economy. The subject parcel is only, on average, 128 feet wide, and according to the farmer who farmed this parcel in the past, the farming was unprofitable as he was only able to grow meager quantities of green beans, squash, tomatoes, or sugar peas in just a couple of rows. The main benefit in farming the land was it kept it from becoming overgrown with weeds. He sold his vegetables from the parcel in local farmer's markets and made little to no profit from them. The Patagues received nominal rent, so unsubstantial, that after taxes the only benefit they derived was the resulting weed abatement.

While no soil quality tests have been performed on the lot, an archaeology report (also improperly required under CEQA) has determined that the soil type on the subject parcel is Marimel silty clay loam. The NRCS Soil Survey concluded that non-irrigated Marimel silty clay loam is class III, and irrigated is class I (Natural Resource Conservation Service Soil Survey). Prime agricultural land is defined as "all land that qualifies for rating as class I or II in the Natural Resource Conservation Service land use capability classifications." (California Land and Conservation Act of 1965 §51201(c)(1)). The Patague parcel has not been irrigated in several years and is not currently being irrigated, which, according to the NRCS classifications, would make the soil on that parcel class III, and not prime. The NRCS Soil Survey also concluded that the soil on the subject parcel does not drain well. Some further research has shown that where this soil type is not drained it is mainly used for wildlife habitat, and the vegetation is annual grasses, weeds, and water tolerant plants (National Cooperative Soil Survey, www2.ftw.nrcs.usda.gov). Currently, the subject parcel is covered with these grasses and weeds, which the local Subdivision Review Board has called "non productive agriculture." The mere presence of a well on the parcel giving the potential to irrigate does not create a higher level of soil quality necessitating a classification as prime soil.

In addition, approval of the conditional certificate of compliance is in line with the policies set forth to protect prime soils in §30241 of the California Coastal Act of 1976, assuming *arguendo* that it is applicable. The Residential Suburban zoning classification is more than sufficient to prevent conflicts between uses on the Patague parcel and agricultural uses on the property to the north. The zoning buffer provided by the Residential Suburban

designation will also prevent any harm to existing agricultural viability through degraded air or water quality. Any building site on the subject parcel will not diminish the productivity of such land because, as stated above, the land is entirely unproductive. The subject parcel is also not well suited for agricultural uses because of its small size and the majority of urban uses on the surrounding parcels. Therefore, there is no evidence that the certificate of compliance will result in any building sites being placed on prime soil.

The farmer who utilized the Patague parcel in the past also reported that the on-site well is capable of producing approximately 50 to 60 gallons of water per minute. Based on the proposed future use of the property (one primary and one secondary residential unit) the San Luis Obispo County Initial Environmental Study found that a reasonable "worst case" indoor water usage scenario would likely be about 1.18 acre/feet per year (County of San Luis Obispo Initial Environmental Study for the Patague Conditional Certificate of Compliance). A copy of the Initial Environmental Study has been included herein and attached at Exhibit H. 1.18 acre feet per year is equal to 384562 gallons of water a year. A well capable of producing 50 to 60 gallons of water per minute should easily be able to supply 1.18 acre feet of water per year. Therefore, residential use should result in a decrease in water consumption on the subject parcel allowing for more replenishment of the groundwater. Tests performed on the well in the past also show that the water is potable and classified as I-C. Results from these tests have also been included herein and attached as Exhibit I. Also, it is important to note that the Patagues have no plan to build or develop their lot. Although development of the lot is completely in conformity with the current zoning classification of the area (Residential Suburban), they merely wish to sell it without a Notice of Violation or unreasonable restrictions on future uses of the property.

If these determinations are correct, the soil is not classified as prime and therefore a building site will not be created on prime soil as a result of a certificate of compliance. The mere presence of a well, which could potentially be used to irrigate row crops, does not place the non-irrigated land in the prime soil classification. The well located on the subject parcel is also capable of providing more than an adequate amount of potable water. Further, a riparian water source is located only .05 miles from the subject parcel. Agricultural use in a riparian corridor is more susceptible to erosion and the creation of water quality concerns than residential use of the parcel, which will actually decrease the amount of erosion and runoff and improve the quality of water in Los Osos Creek.

Changes in the surrounding area further support the granting of a certificate of compliance for the subject parcel. Ten lots now exist from the large original parcel

remaining after the alleged illegal creation and transfer of the small well site to Los Osos Valley Memorial Park in 1964 to which the Notice of Violation on the subject parcel has been traced. Of those lots, only three remain undeveloped: the Patague's lot, APN # 074-222-003 and APN # 074-222-006 (for which an unconditional certificate of compliance has already issued). All three undeveloped lots are owned by Filipino farming families who bought their lots between 1964 and 1971 in hopes of living the American dream. An aerial photograph shows the current developments and buildings existing on the total affected area, and has been included herein and attached as Exhibit J. Adverse cumulative effects of the issuance of the current conditional certificate of compliance to other lots is not likely because this is one of the last lots seeking development. It is inequitable to approve all previous lots for development and deny the subject parcel a certificate of compliance based on potential cumulative effects because of relaxed conditions on the other lots. The Patague parcel should be approved with no greater or more burdensome conditions as required of the other approved lots.

The measures being imposed by the County Subdivision Review Board and Coastal Commission for a conditional certificate of compliance are incredibly extensive considering that the area is zoned Residential Suburban and 70% of the lots created out of the original parcel owned by Morro-Los Osos Land & Investment Co. have already been developed. These excessive conditions and wrongful denial of the Patagues' application for a certificate of compliance implicates the Due Process Clause and Equal Protection Clause of the U.S. Constitution. The local Subdivision Review Board has accepted several certificates of compliance from owners of property adjacent to the subject parcel which were created in exactly the same manner as the Patague's lot. To require the Patagues to meet conditions and standards in excess of what was required of the other owners in their same position is neither impartial or equitable. The requirement that the Patagues create an agricultural buffer consisting of more than half of their property and that they pave a road for access to all ten lots now existing from the original parcel owned by Morro-Los Osos Land & Investment Company, when no other owners have been required to do so, are especially offensive, as discussed above.

Case law supports the imposition of liability on county agencies and individual planners for unfair process and false designations of land in the permitting process. In United States v. Adam Brothers Farming, Inc. the court upheld judgments against Santa Barbara county for \$5.6 million dollars (plus \$1.1 million in attorney costs) and four county planners for \$130,000 in punitive damages for violations of a farmer's rights under the due process clause and equal protection clause (*United States v. Adam Bros. Farming, Inc.*, 369

California Coastal Commission

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F.Supp.2d 1180 (C.D.Cal 2004)). Due process should serve to ensure that the Patagues are only required to comply with those conditions for a certificate of compliance that the county and Coastal Commission are legally entitled to impose. Equal protection should shelter the Patagues from any additional requirements not imposed on other culpable owners in a similar or worse position.

The Coastal Commission does not have the authority to deny the Patagues both a certificate of compliance and a conditional certificate of compliance for the subject parcel because issuance of a certificate, conditioned or not, is a ministerial act. (*Findleton v. Board of Supervisors of El Dorado County*, 12 Cal. App. 4th 709 (1993)). Furthermore, a denial would only result in the creation of an unmarketable piece of property sitting idle in the middle of a group of similar lots, almost all of which have been developed in the past and which are continuing to be further developed. The Patagues seek a certificate of compliance in order to make some purposeful use of their property.

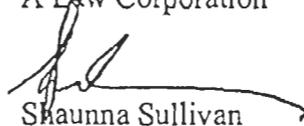
Since the Patagues have already agreed to conditions far in excess of that which the law required of them, a dismissal or withdrawal of the CCC appeal of their Conditional Certificate of Compliance would not cause any unnecessary harm to the area of Los Osos in which the parcel is located. Several lots surrounding the subject parcel have been issued certificates of compliance without conditions close to the conditions demanded of the Patagues. The Patagues are not attempting to realize a profit on the division or development of their parcel. They merely wish to sell it, as they do not live in the area and the property is not being used. The approval of a certificate of compliance or a conditional certificate of compliance is the only manner by which this can be accomplished.

We hope this issue can be resolved as soon as possible. We have included several documents, either by reference above or by separate request by your office. Please feel free to call me to request any additional information or with any other questions you may have.

Very truly yours,

SULLIVAN & ASSOCIATES

A Law Corporation



Shaunna Sullivan

SLS:ejm

encl.

cc: Graciano and Teodora Patague

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West 68' of APN # 074-222-012, consisting of approx. 1 acre

Date Recorded
Volume, Page

Instrument and Land Description

(Transactions in **bold** and marked with a * include the subject parcel, APN # 074-222-002)

Dec. 31, 1964 Vol. 1331, pg. 289	Deed: from MENOR, Gregorio & Catalina to DRES, Victor, MENOR, George & GALO, Ireneo East 413.04' of APN # 074-222-012, consisting of approx. 6 acres
Dec. 31, 1964 Vol. 1331, pg. 294	Deed: from MORRO-LOS OSOS LAND & INV. CO. to GAOIRAN, Tiburcio & Juanita Portions of Lots 30 and 31, consisting of approx. 10 acres
Dec. 31, 1964 Vol. 1331, pg. 298	Deed: from GAOIRAN, Tiburcio & Juanita to DRES, Victor, MENOR, George & GALO, Ireneo APN # 074-222-006, consisting of approx. 5 acres
Dec. 31, 1964 Vol. 1331, pg. 303	Deed: from MORRO-LOS OSOS LAND & INV. CO. to GALVEZ, Ambrocio & Rosalia Portions of Lots 30 and 31, consisting of approx. 8 acres
Dec. 31, 1964 Vol. 1331, pg. 307	Deed: from GALVEZ, Ambrocio & Rosalia to PATAGUE, Hilario & Asela APN # 074-222-008, consisting of approx. 3 acres
*Nov. 30, 1971 Vol. 1642, pg. 582	Deed: from MENOR, Gregorio & Catalina to PATAGUE, Graciano & Teodora APN # 074-222-002 (the subject parcel), consisting of approx. 2 acres
Aug. 22, 1979 Vol. 2179, pg. 777	Notice of Intention to Record a Notice of Violation: to PATAGUE, Bernardo & Adela APN # 074-222-003
*Aug. 22, 1979 Vol. 2179, pg. 779	Notice of Intention to Record a Notice of Violation: purportedly directed to PATAGUE, Graciano & Teodora APN # 074-222-002 (the subject parcel)

EXHIBIT A-3-SLO-05-072 Patague

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EXHIBIT A page 2 of 3

Date Recorded
Volume, Page

Instrument and Land Description

(Transactions in **bold** and marked with a * include the subject parcel, APN # 074-222-002)

Nov. 19, 1979
Vol. 2203, pg. 894

Notice of Violation:
to PATAGUE, Bernardo & Adela
APN # 074-222-003

***Nov. 19, 1979**
Vol. 2203, pg. 902

Notice of Violation:
to PATAGUE, Graciano & Teodora
APN # 074-222-002 (the subject parcel)

Mar. 14, 1980
Vol. 2228, pg. 230

Certificate of Compliance:
to DRES, Victor, MENOR, George & GALO, Ireneo
APN # 074-222-006

Sept. 29, 1980
Vol. 2272, pg. 353

Re-Recorded Certificate of Compliance (to correct error in legal desc.)
to DRES, Victor, MENOR, George & GALO, Ireneo
APN # 074-222-006

Dec. 24, 1980
Vol. 2294, pg. 560

Conditional Certificate of Compliance:
to DRES, Victor, MENOR, George & GALO, Ireneo
APN # 074-222-012

V.3078, County of San Luis Obispo, State of California

(SEAL)

---mlp---

Monday, September 12, 1960

The Board of Supervisors met in a regular session at 10:00 A. M.

PRESENT: Supervisors M. Roland Gates, Jesse E. Drake, Alton Lee, John Ruskovich, and
Chairman Fred C. Kimball

ABSENT: None

In the Matter of ORDINANCE NO. 509:

AN ORDINANCE TO ESTABLISH REGULATION OF THE DIVISION OF LAND NOT A SUBDIVISION, AND TO ESTABLISH LEGAL PROCEDURES AND PENALTIES.

The Board of Supervisors of the County of San Luis Obispo do ordain as follows:

Section 1: That the San Luis Obispo County Ordinance Code be amended by adding Part III, Chapter 9, thereof to read as follows:

Chapter 9
BUILDING REGULATIONS

Part III
LOT DIVISION ORDINANCE

SECTION 9-040. LAW GOVERNING DIVISIONS, PURPOSE AND DEFINITIONS

1. Intent and Purpose:

This ordinance shall be known as the Lot Division Ordinance of the County of San Luis Obispo and be cited as such. Compliance with this ordinance does not constitute compliance with or obviate the necessity for compliance with any other applicable law or ordinance.

The purpose of this ordinance is to promote the orderly development of residential areas; to protect purchasers and surrounding landowners; to prevent circumvention of existing subdivision, zoning and building ordinance and regulations; and to insure the reservation of adequate streets for vehicular traffic.

2. Definitions:

In addition to those enumerated in the Subdivision Ordinance No. 127 the following definitions shall be used in interpreting this ordinance:

(a) "Division", "division of land" or "divided" means any physical separation of land normally by, but not limited to metes and bounds or record of survey description into two or more parts or parcels accomplished by deed, map or grant of easement or right of way, or in any other way than by lease, court decree, intestate or testamentary disposition.

(b) "Subdivision Review Board" means the committee of Representatives of Public Agencies as established by Resolution No. _____ of the Board of Supervisors dated _____, 1959.

(c) "Building Site" means an area of land containing not less than the prescribed minimum area required by any applicable zoning or subdivision regulations for construction of buildings or structures.

(d) "Original Parcel" means a contiguous area of land at the time of division to one or a common owners if, any portion or all of which is proposed to be divided under this ordinance.

3. Law Governing Divisions:

Every division of land, improved or unimproved, shall comply with the provisions of this ordinance unless:

Exhibit H - A-3-SLO-05-072 Patague

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(a) It is a subdivision as defined in San Luis Obispo County Ordinance No. 127, in which event the laws governing subdivisions must be complied with;

(b) Each parcel resulting therefrom contains an area of more than three (3) acres;

(c) The division is one resulting from court decree or intestate or testamentary dispositions of land.

SECTION 9-041. SUBMISSION OF PLAT

1. Number of Prints:

Seven prints of a plat, accurately drawn to scale by a qualified draftsman showing the property to be divided shall be submitted to the County Planning Department. The Planning Department shall have the right to reject maps showing inaccurate or insufficient information or to require that said plat be drawn by a licensed engineer or surveyor. The Planning Department shall submit the plats to the Subdivision Review Board.

2. Size and Scale of Prints:

The prints of the plat shall be on paper 8 1/2" x 11" unless a larger size sheet is required, in which event 11" x 16" shall be used. A scale no smaller than 1" equals 100' shall be used to portray the property to be divided.

3. Contents of Plat:

The plat shall contain the following information in legible form:

(a) The boundary lines of the original parcel or parcels, with dimensions, based on survey data or a survey of record.

(b) The proposed division lines with dimensions, and the area of each lot created by such division.

(c) All existing structures accurately located on the original parcel together with their dimensions; the distance between structures; and the number of stories or the height of each structure.

(d) The distance from the structures to the boundary lines of the new parcel on which the structures are located. Such distances shall be established by a licensed engineer or surveyor's survey when deemed necessary by the Planning Department.

(e) The names and widths of abutting streets.

(f) The location, purpose and width of all existing and proposed streets.

(g) A description of the property sufficient to identify it on the Assessor's Map.

(h) North Point and Scale.

(i) The following certificate signed by the legal owner or his authorized agent:

Date: _____

I hereby apply for approval of the division of real property shown on this plat and certify that I am the legal owner or the authorized agent of the legal owner of said property and that the information shown hereon is true and correct to the best of my knowledge and belief.

Signed _____

Address _____

(j) The following certificate signed by the Licensed Engineer or Surveyor:

Date: _____

I hereby certify that this map was prepared under my supervision, and to the best of my knowledge complies with the Lot Division Ordinance of San Luis Obispo County.

Licensed Engineer or Land Surveyor

State Registration Number

4. Fee:

A fee of Two Dollars (\$2.00) shall accompany each application for the division of land.

(c) The property is not located in any area which, in the opinion of the Hydraulic Engineer of the County of San Luis Obispo is subject to flood hazard, nor will such land division cause a flood hazard to surrounding properties.

(d) The disposal of sewage from or within the lot will not, in the opinion of the County Health Officer, constitute a health problem.

(e) Every parcel shall have access to a street, as herein defined, for ingress and egress; and

(f) Any existing or new street, intended for or serving as the principal means of vehicular access to the property shown on the plat, has a minimum width of fifty (50) feet. Improvement of said street shall be of a standard equal or better than the existing street adjacent to the property.

(g) If the lot division exists in an area where curb and gutter and sidewalk improvements are generally located then the Planning Commission shall require such improvements to be made.

Provided, however, when the purpose of the division is to convey land to an abutting owner, the only condition that shall be required as a basis for approval shall be those set forth in Subsection (a) of this section.

3. Conditions:

The Subdivision Review Board may recommend approval of a plat subject to reasonable conditions. The Planning Commission shall review such action at its next regular meeting. The rules of appeal (Section 9) to the Board of Supervisors may be exercised when conditions are applied to approval.

4. Time for Approval:

When acted upon by the Planning Commission and filed in the office of the County Recorder.

5. Approval of Plat:

Upon approval of the plat:

- (a) It shall be so endorsed.
- (b) One copy shall be filed with each of the following: Planning Director, County Surveyor, County Assessor and County Recorder.
- (c) The Planning Director shall immediately notify the owner or his agent thereof in writing.
- (d) The property may be divided as shown on approved plat.

6. Adjustments:

The Subdivision Review Board may consider and in cases where undue hardship would result from the application of the regulations herein established recommend conditional adjustments from the regulations to the Planning Commission. Thereupon the Planning Commission shall consider action upon said recommendation. Favorable action by the Planning Commission of such adjustments shall be deemed necessary for the preservation and enjoyment of substantial property rights of the petitioner, and the granting of such adjustments must not have a material adverse effect upon the health or safety of persons residing or working in the neighborhood of the property or improvements in said neighborhood. Petitions for adjustments shall be submitted to the Planning Director in writing on forms furnished by the Planning Department prior to the regular meeting of the Subdivision Review Board. Disapproval of the petition may be appealed under provisions of Section 9.

7. Approval on Condition or Disapproval of Plat:

Upon approval of the plat subject to stipulated conditions or the disapproval of the plat, the Planning Director shall:

- (a) So notify the owner or his agent in writing, giving the reasons therefor; and
- (b) Unless the plat is withdrawn and resubmitted, submit the plat, with the explanation of the reasons for disapproval or the recommendations for the conditions of approval, to the Planning Commission for its review of the Subdivision Review Board's action.

8. Approval by the Planning Commission:

The Planning Commission shall review the recommendation of the Subdivision Review Board at its next regular meeting and shall either approve or disapprove said recommendation.

9. Appeal to the Board of Supervisors:

In the event of disapproval by the Planning Commission, the owner or his agent may appeal to the Board of Supervisors within fifteen (15) days of action by the Planning Commission by filing with the County Clerk an appeal in writing setting out the basis for such appeal.

SECTION 9-043. LEGAL PROCEDURE AND PENALTIES

1. Building and Zoning Permits:

Compliance with this ordinance is a condition precedent to the issuance of a Building Permit or Zoning Permit by any person authorized to issue such permits in the unincorporated territory of the County of San Luis Obispo.

The ordinance shall be deemed complied with if the division of land accomplished does not vary from the plat plan submitted to the Subdivision Review Board in an amount greater than three per cent (3%) of the area of each parcel or lot affected and that the division accomplished satisfies the requirements of subsections (a) and (b) of Exhibit H, A-3-SL-05-072 Patague

2. Voidability of Conveyances:

Any conveyance or contract to convey made contrary to the provisions of this ordinance

3. Penalties:

The penalties for violation of the provisions of this Lot Division Ordinance shall be as set out in Part III, Chapter I, of this Ordinance Code.

4. Validity:

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be unconstitutional or invalid.

5. All ordinances, resolutions or parts thereof in conflict with the provisions of this ordinance are hereby specifically repealed.

Section 2. This ordinance shall take effect and be in full force and effect 30 days after its passage and before the expiration of 15 days after the passing of this Ordinance, it shall be published with the names of the members voting for and against the same, once, in the Telegram-Tribune, a newspaper of general circulation published in the County of San Luis Obispo, State of California.

Passed and adopted by the Board of Supervisors of the County of San Luis Obispo, State of California, this 12th day of September, 1960, by the following vote, to-wit:

AYES: Supervisors Jesse E. Drake, John Ruskovich, M. Roland Gates, Alton Lee, and Chairman Fred C. Kimball

NOES: None

ABSENT: None

s/ FRED C. KIMBALL
Chairman of the Board of Supervisors
of the County of San Luis Obispo,
State of California.

ATTEST:

s/ A. E. MALLAGH
County Clerk and ex-officio Clerk
of the Board of Supervisors of the
County of San Luis Obispo,
State of California.

(SEAL)

Monday, September 12, 1960

In the Matter of ORDINANCE NO. 510

The Board of Supervisors of the County of San Luis Obispo, State of California, do ordain as follows:

SECTION 1: That Section 12 of the County Ordinance No. 427, the Zoning Ordinance of the County of San Luis Obispo, State of California, be amended as follows:

- (a) That Official Zoning Map No. 12-HH-41 of the County of San Luis Obispo, State of California, be amended as appears on the attached sheet marked exhibit "A".
- (b) That Official Zoning Map No. 12-HH-42 of the County of San Luis Obispo, State of California, be amended as appears on the attached sheet marked exhibit "B".
- (c) That Official Zoning Map No. 12-II-41 of the County of San Luis Obispo, State of California, be amended as appears on the attached sheet marked exhibit "C".
- (d) That Official Zoning Map No. 12-II-42 of the County of San Luis Obispo, State of California, be amended as appears on the attached sheet marked exhibit "D".

SECTION 2: This ordinance shall take effect and be in full force and effect 30 days after its passage, and before the expiration of fifteen days after the passage of this ordinance it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, once, in the Telegram-Tribune, a newspaper of general circulation published in the County of San Luis Obispo, State of California.

Exhibit A
A13-SLO-0507 Patague
Page 30 of 37
made 11 of 11

Subdivision Review Board

C04-0354 / Patague

Page 3

AGENCY REVIEW:

Public Works- Recommend approval, see comments on "possible conditions" page
 Environmental Health - Well completion reports, pump tests, full water quality testing and soil testing prior to building permit
 Ag Commissioner- Recommend agricultural buffer and Right-to-Farm disclosure
 County Parks - pay Qumiby fees
 CDF - no comments
 LOCSD - No facilities in the area

LEGAL LOT STATUS: This lot has not been legally created. See deed history below. Approval of this Conditional Certificate of Compliance will make this a legal lot.

Deed History

The applicant is requesting one conditional certificate of compliance for an approximate 2.0 acre parcel that was originally a portion of Lots 30 and 31 of the Subdivisions of Ranchos Canada de Los Osos and La Laguna, according to a map made by Jas. T. Stratton and filed for record in Book A at Page 83 of Maps.

A Notice of Intention to Record a Notice of Violation for this property was recorded on August 22, 1979 (2179 OR 779). A Notice of Violation was recorded on November 19, 1979 (2203 OR 902). This Conditional Certificate of Compliance has been requested to release the Notice of Violation that was filed against the property in 1979. Applicable deed history is as follows:

June 24, 1958 - 955 OR 263 recorded August 29, 1958 - Deed from Morganti to Johns. Included Lot 31 and portions of Lots 30 and 79 - numerous parcels and includes the subject parcel. Legal transaction.

July 17, 1958 - 955 OR 265 recorded August 29, 1958 - Deed from Morganti to Johns. Included Lot 31 and portions of Lots 30 and 79 - numerous parcels and includes the subject parcel. Legal transaction.

August, 14, 1958 - 955 OR 269 recorded August 29, 1958 - Deed from Johns to Morro-Los Osos Land and Investment Co. Included Lot 31 and portions of Lots 30 and 79 - numerous parcels and includes the subject parcel. Legal transaction.

1331 OR 267 recorded December 31, 1964 - Deed from Morro Los Osos Land and Investment Co., to Los Osos Valley Memorial Park Inc for APN: 074-222-010 and 011. Legal transaction for APN: 074-222-010. Illegal transaction for 074-222-011. This was a violation of the County's Lot Division Ordinance and State Subdivision Map Act because lots less than three acres in size could not be created after October 12, 1960 without first having a subdivision approval by the County. A tract or parcel map was required to be approved to create parcels at that time; therefore the parcel was not legally created. The transfer of this parcel resulted in the remainder of the parcel from 955 OR 269 (except for transfer of 074-222-010) being considered illegal. APN: 074-222-011 may be the subject of a future conditional certificate of compliance application.

November 19, 1964 - 1331 OR 270 recorded December 31, 1964 - Deed from Morro Los Osos Land and Investment Co. to Menor. Included APNS: 074-222-001, 003, 012 and 002

3 - 9/04

Exhibit H - A-3-SLO-05-072 Patague

Page 31 of 97

EXHIBIT C page 1 of 3

Subdivision Review Board

C04-0354 / Patague

Page 4

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(subject parcel). Illegal transaction given illegal transaction on 1331 OR 267 for APN: 074-222-011. See following deed entries.

November 19, 1964 – 1331 OR 274 recorded December 31, 1964 – Deed from Menor to Ocol for APN: 074-222-001. Illegal transaction given illegal transaction on 1331 OR 267 for APN: 074-222-011. APN: 074-222-001 may be the subject of a future conditional certificate of compliance application.

November 19, 1964 – 1331 OR 279 recorded December 31, 1964 – Deed from Menor to Bernardo and Adela Patague for APN: 074-222-003. Illegal transaction given illegal transaction on 1331 OR 267 for APN: 074-222-011. Notice of Intention to Record a Notice of Violation was recorded Aug 22, 1979 (Doc. # 38376). Notice of Violation was recorded November 19, 1979 (Doc. 54157). This parcel will be the subject of a future conditional certificate of compliance application.

November 19, 1964 – 1331 OR 284 and 289 recorded December 31, 1964 – Deed from Menor to Galo (284) and to Dres and Galo (289) for APN: 074-222-012. Illegal transaction given illegal transaction on 1331 OR 267 for APN: 074-222-011. Conditional Certificate of Compliance C1980-0029 was approved and recorded December 24, 1980, 2294 OR 560.

November 19, 1964 – 1331 OR 294 recorded December 31, 1964 – Deed from Morro Los Osos Land and Investment Co. to Gaoriran for APN: 074-222-006 and 007. Illegal transaction given illegal transaction on 1331 OR 267 for APN: 074-222-011. APN: 074-222-007 may be the subject of a future conditional certificate of compliance application. For APN: 074-222-006 see next deed.

November 19, 1964 – 1331 OR 298 recorded December 31, 1964 - Deed from Gaoriran to Dres and Galo. Certificate of Compliance C80-0005 recorded 9/29/1980 for APN: 074-222-006.

November 19, 1964 – 1331 OR 303 recorded December 31, 1964 – Deed from Morro-Los Osos Land and Investment Co. to Galvez for APNS: 074-222-008 and 009. For APN: 074-222-008 see next entry.

November 19, 1964 – 1331 OR 307 recorded December 31, 1964 – Deed from Galvez to Hilario and Asela Patague for APN: 074-222-008. . Illegal transaction given illegal transaction on 1331 OR 267 for APN: 074-222-011. APN: 074-222-008 may be the subject of a future conditional certificate of compliance application.

October 10, 1968 – 3 PM 12 – Parcel Map CO67-0038 for APN: 074-222-009 and 010. Current configuration of these two APNS does not match the recorded map. County staff will coordinate on appropriate action to rectify.

November 19, 1971 – 1642 OR 582 recorded November 30, 1971 - Deed from Menor to Graciano and Teodora Patague for APN: 074-222-002 (SUBJECT PARCEL). Illegal transaction given illegal transaction on 1331 OR 267 for APN: 074-222-011. A Notice of Intention to Record a Notice of Violation was recorded on August 22, 1979 (Doc. 38377) for APN: 074-222-002. A Notice of Violation was recorded on November 19, 1979 (Doc. 54161).

Subdivision Review Board
C04-0354 / Patague
Page 5

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The original violation date was December 31, 1964 for 1331 OR 267 which the APN: 074-222-002 is subject to. This was a violation of the County's Lot Division Ordinance and State Subdivision Map Act because lots less than three acres in size could not be created after October 12, 1960 without first having a subdivision approval by the County. A tract or parcel map was required to be approved to create parcels at that time; therefore the parcel was not legally created.

Pursuant to the Subdivision Map Act, the parcel should comply with the subdivision standards in effect on November 19, 1971 as that is the year that the applicants acquired their interest in the property.

C80-0950 074-500

RECORDING REQUESTED BY
SAN LUIS OBISPO COUNTY

WHEN RECORDED, RETURN TO:

Planning Director
Room 102, Courthouse Annex
San Luis Obispo, California
93401

DOC. NO. 43032

OFFICIAL RECORDS
SAN LUIS OBISPO CO., CAL

SEP 29 1980

WILLIAM E. ZIMARIK
COUNTY RECORDER

TIME 9:15 AM

9/29/80 3:36 1

3.00 RP
3.00 PUTL

DOC. NO. 11006

OFFICIAL RECORDS
SAN LUIS OBISPO CO., CAL

MAR 14 1980

WILLIAM E. ZIMARIK
COUNTY RECORDER

TIME 2:45 PM

CERTIFICATE OF COMPLIANCE

The following real property and the division thereof into One (1) parcels as of the date of recordation of this document, has been determined to be in compliance with applicable provisions of the Subdivision Map Act of the State of California and Local Ordinances enacted pursuant thereto. Said Real Property being described as:

That portion of Lots 30 and 31 of the Subdivisions of Ranchos Canada de Los Osos and La Laguna, in the County of San Luis Obispo, State of California, according to map made by James T. Stratton and filed for record in Book A, at page 83 of Maps described as follows:

Beginning at the most Easterly corner of lot 12 in Block 6 of Tract No. 130, according to map recorded June 2, 1959 in Book 5, at page 21 of Maps; thence North 20° 04' 20" East, 578.14 feet; thence South 72° 40' 25" East, along the Southerly line of the property described in Book 90, at page 463 of Deeds, 1081.79 feet to the true point of beginning; thence continuing South 72° 40' 26" East along said Southerly line 347.20 feet; thence South 17° 19' 54" West, 627.31 feet to the Northeasterly line of said Tract No. 130; thence North 73° 14' 20" West along said Northeasterly line 347.215 feet; thence North 17° 19' 54" East, 630.74 feet to the true point of beginning.

Excepting therefrom one-half of oil and mineral rights in, under or upon said property as reserved in deeds dated June 24, 1958, and July 17, 1958 and recorded August 29, 1958 in Book 955, at page 263 and 265 of Official Records.

OWNERS: VICTOR C. DRES
GEORGE A. MENOR
IRENIO M. GALO

Larry J. Red
By: *Larry J. Red*
Larry J. Red, Supervisor
Subdivision Review Section

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

On Sept 29 1980
March 17 1980, before me, the undersigned, a Notary Public in and for the State, personally appeared Larry J. Red known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

D.K. ROWLEE
NOTARY PUBLIC
SAN LUIS OBISPO COUNTY
CALIFORNIA
My Commission Expires on October 8, 1983

(SEAL)

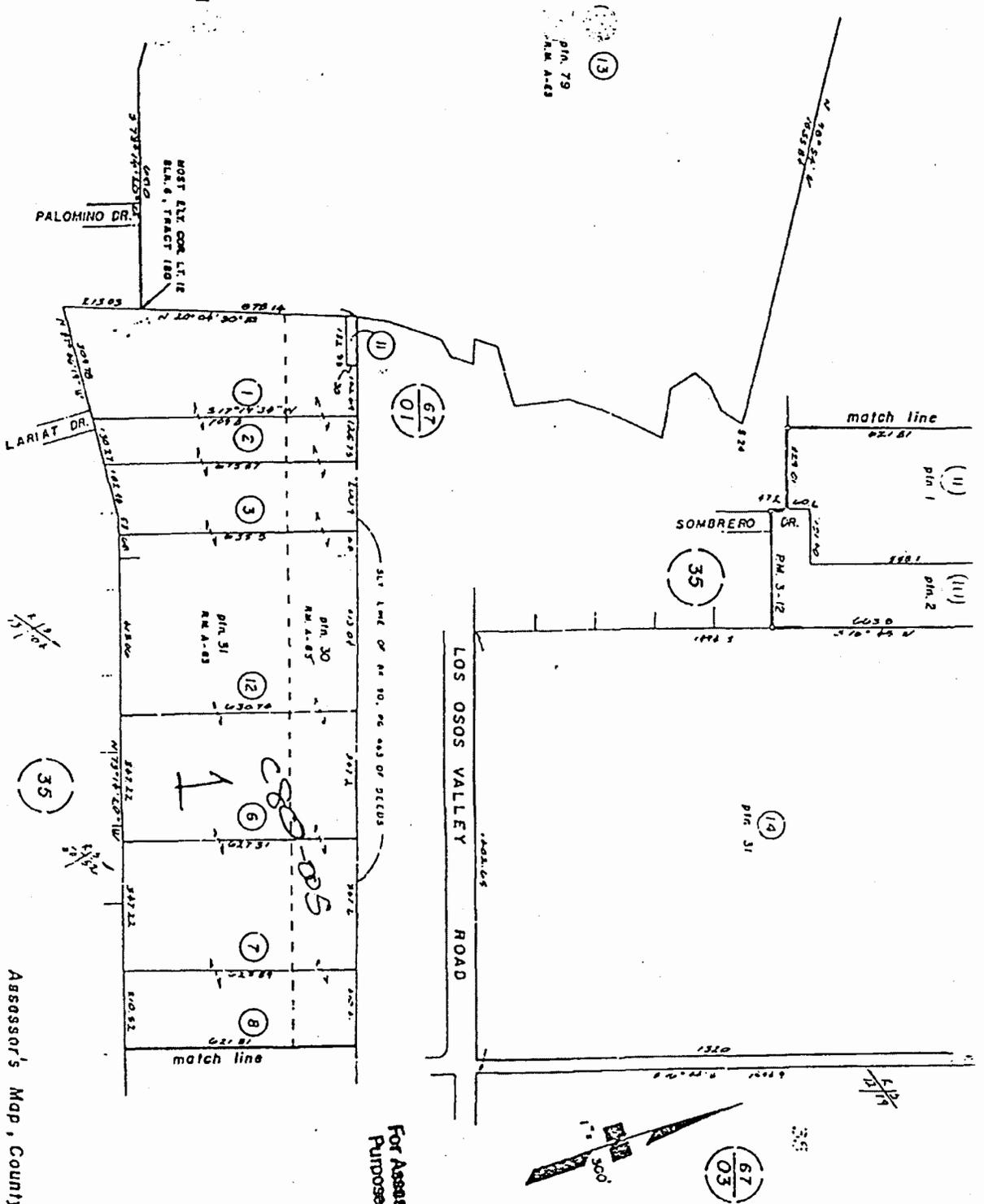
OFFICIAL SEAL
NORMA L. HENDERSON
NOTARY PUBLIC - CALIFORNIA
SAN LUIS OBISPO COUNTY
My Comm. Expires 10/08/80

J. K. Rowlee
Norma Henderson
NOTARY PUBLIC

THIS DOCUMENT IS BEING RE-RECORDED DUE TO AN ERROR IN THE LEGAL DESCRIPTION OF THE PROPERTY. Exhibit H - A-3-SLO-05-072 Patagonia Page 34 of 97

EXHIBIT D page 1 of 10

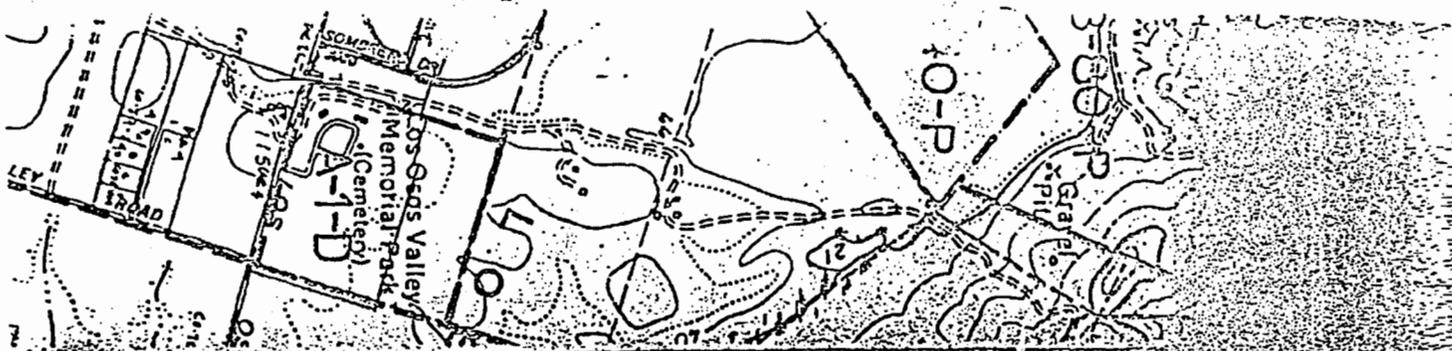
qno. Canada de los Osos a La Laguna



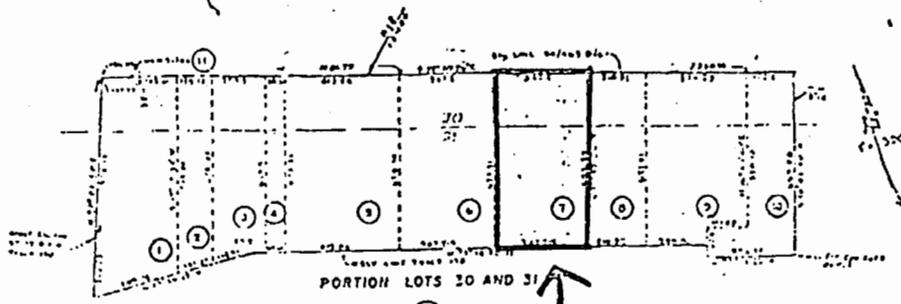
Assessor's Map, County of
San Luis Obispo, Calif.

For Assessment
Purposes only

EXHIBIT D page 2 of 10



TAX AREA CODE NO. 74-222



SITE →

CC 74-222-06

NOTE - ASSessor'S BLOCK & LOT NUMBERS SHOWN IN CIRCLES

RANCHO CANADA DE LOS CSCS
AND LA LAGUNA
SAN LUIS OBISPO COUNTY
CALIFORNIA

TAX AREA CODE NO. 74-223

EXHIBIT D page 3 of 10

80-0829 074-222-812

RECORDING REQUESTED BY
SAN LUIS OBISPO COUNTY
WHEN RECORDED, RETURN TO:
Planning Director
Room 102, Courthouse Annex
San Luis Obispo, California
93401

DOC. NO. 58742
OFFICIAL RECORDS
SAN LUIS OBISPO CO., CAL
DEC 24 1980
WILLIAM E. ZEMARK
COUNTY RECORDER
TIME 9:30 AM

CONDITIONAL CERTIFICATE OF COMPLIANCE

With Title 21, Chapter 21.48, Lot Division Ordinance of the County of San Luis Obispo.

On November 19, 1979, the County of San Luis Obispo filed with the County Recorder of the County of San Luis Obispo, Notices of Violation with Title 21, Chapter 21.48, Lot Division Ordinance of the County of San Luis Obispo, such documents being filed as Document Nos. 54158 and 54159 in Book 2203, pages 896-899 Official Records of said County.

This is to certify that the violations described in said Notices have been corrected by the combining of the parcels described therein and said Notices are of no further force or effect, and that the land described herein constituting a single parcel of real property complies with applicable provisions of the Subdivision Map Act and Lot Division Ordinances enacted pursuant thereto.

The following conditions must be met prior to the issuance of a building permit or other grant of approval for development of said property.

SEE EXHIBIT "A"

OWNER OF RECORD: IRENIO GALO AND MARIA GALO, HUSBAND AND WIFE AS JOINT TENANTS AS TO AN UNDIVIDED 1/7 INTEREST AND VICTOR G. DRES, GEORGE A MENOR, AND IRENIO M. GALO, AS TRUSTEES AS TO AN UNDIVIDED 6/7 INTEREST

PROPERTY DESCRIBED AS: SEE EXHIBIT "B"

SAN LUIS OBISPO COUNTY
PLANNING DEPARTMENT

By [Signature]
LARRY J. RED, Supervisor
Subdivision Review Section

On December 24, 1980, before me, the undersigned, a Notary Public in and for the State, personally appeared Larry J. Red know to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

OFFICIAL SEAL
BARBARA J. PARSONS
NOTARY PUBLIC, CALIFORNIA
PRINCIPAL OFFICE IN
SAN LUIS OBISPO COUNTY
My Commission Expires May 10, 1981

[Signature]
NOTARY PUBLIC

EXHIBIT "A"

1. That evidence of adequate and potable water, satisfactory to the Health Department be submitted.

- A. (Potability) - A complete chemical analysis shall be submitted for evaluation.
- B. (Adequacy) - On individual parcel wells a minimum four (4) hour pump test or written statement from a licensed and bonded well driller or pump testing business indicating their estimation of water well production in the immediate area.
- C. Required Water Storage for Fire Protection:
Where water is supplied by individual wells the parcel shall be provided with a minimum storage facility of no less than two thousand (2000) gallon capacity. This facility to be provided with a fire department approved connection with a minimum of one 2 1/2 inch National Hose Thread. Access to fire storage to be provided with all-weather surface road and the location of the approved connection to be no greater than two hundred (200) feet of the dwelling to be protected. Swimming pools, water storage or storage pond facilities meeting the above requirements may suffice in providing water storage. The above to be met prior to final building permit inspection.
- D. Prior to final building permit inspection and where water supply is provided by electric pump, an electrical service drop should be installed from service pole, to pump, to structure to prevent a structural fire from disrupting access to water.

2. Prior to the issuance of a building permit, the applicant shall submit to and be jointly approved by the Planning Department 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 proposed sewage disposal system to determine the: (a) subsurface soil conditions, (example: impermeable stratas which act as barriers to the effective percolation of sewage); (b) and the presence of groundwater. And the applicant must perform a minimum of three (3) percolation test holes per lot, to be spaced uniformly in the area of the proposed sewage disposal system. Percolation tests shall conform to the methods and guidelines prescribed by the Manual of Septic Tank Practice as adopted by the County Building and Construction Ordinance Title 19, Chapter 10.24.

3. Subsurface sewage disposal systems shall be separated from any individual domestic well and/or agricultural well, as follows: (1) leach fields, one hundred feet (100'), and (2) bored pits, one hundred fifty feet (150'). Wells intended for two or more parcels shall be separated by two hundred feet (200') from any subsurface sewage disposal system. Adequate clearance must be assured at time the building permit is processed.

4. That an offer of dedication to the public for 25' along the northerly side of the subject property; said offer to be reviewed and approved by County Engineering Department.
5. That all-weather physical and legal access be established to the satisfaction of the County Engineer.

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EXHIBIT D page 7 of 10

EXHIBIT "B"

That portion of Lots 30 and 31 of the Subdivisions of Ranchos Canada de Los Ocos and La Laguna, in the County of San Luis Obispo, State of California according to map made by Jas. T. Stratton and filed for record in Book A, at page 83 of Maps in the office of the County Recorder of said County described as follows:

Beginning at the most Easterly corner of Lot 12 in Block 6 of Tract No. 130, according to map recorded June 2, 1959 in Book 6, at page 21 of Maps; thence North $20^{\circ} 04' 20''$ East, 578.14 feet; thence South $72^{\circ} 40' 26''$ East along the Southerly line of the property described in Book 90, at page 463 of Deeds, 663.75 feet to the true point of beginning; thence continuing South $72^{\circ} 40' 26''$ East along said southerly line 413.04 feet; thence South $17^{\circ} 19' 34''$ West, 630.74 feet to the Northeasterly line of said Tract No. 130, thence North $73^{\circ} 14' 20''$ West along said Northeasterly line 413.06 feet; thence North $17^{\circ} 19' 34''$ East, 634.81 feet to the true point of beginning.

Also, that portion of said lots 30 and 31 described as follows:

Beginning as the most Easterly corner of Lot 12 in Block 6 of Tract No. 130, according to map recorded June 2, 1959 in Book 6, at page 21 of Maps; thence North $20^{\circ} 04' 20''$ East, 578.14 feet; thence South $72^{\circ} 40' 25''$ East along the Southerly line of the property described in Book 90, at page 463 of Deeds, 600.15 feet to the true point of beginning; thence continuing South $72^{\circ} 40' 26''$ East along said Southerly line 68.60 feet; thence South $17^{\circ} 19' 34''$ West, 634.81 feet to the Northeasterly line of said Tract No. 130; thence North $73^{\circ} 14' 20''$ West along said Northeasterly line 68.61 feet; thence North $17^{\circ} 19' 34''$ East, 635.50 feet to the true point of beginning.

A non-exclusive easement for road purposes over a strip of land 60 feet in width being a portion of Lot 31 of the Subdivision of Ranchos Canada de Los Ocos and La Laguna, in the County of San Luis Obispo, State of California, according to map made by Jas. T. Stratton and filed for record in Book A, at page 83 of Maps, in the office of the County Recorder of said County, described as follows:

Beginning at the most Easterly corner of Lot 12 in Block 6 of Tract No. 130, according to map recorded June 2, 1959, in Book 6, at page 21 of Maps; thence along the Northeasterly line of said Tract No. 130, South $16^{\circ} 45' 40''$ West, 213.03 feet and South $87^{\circ} 46' 19''$ East, 309.78 feet to the true point of beginning; thence North $17^{\circ} 19' 34''$ East to a point on a line Parallel with and distant 60 feet from the Northeasterly line of said Tract No. 130; thence along said parallel line, being 60 feet Northeasterly of the Northeasterly line of said Tract No. 130 and measured at right angles thereto, South $87^{\circ} 46' 19''$ East and South $73^{\circ} 14' 20''$ East to a point on the Northeasterly extension of the Southeasterly line of Sombrero Drive, as shown on the map of said Tract No. 130; thence South $16^{\circ} 45' 40''$ West along said extension, 107.40 feet to the Northeasterly line of said Tract No. 130; thence along said Northeasterly line, North $73^{\circ} 14' 20''$ West, 60 feet; North $16^{\circ} 45' 40''$ East, 47.10 feet; North $73^{\circ} 14' 20''$ West, 1668.83 feet and North $87^{\circ} 46' 19''$ West 233.23 feet to the true point of beginning.

END OF DOCUMENT

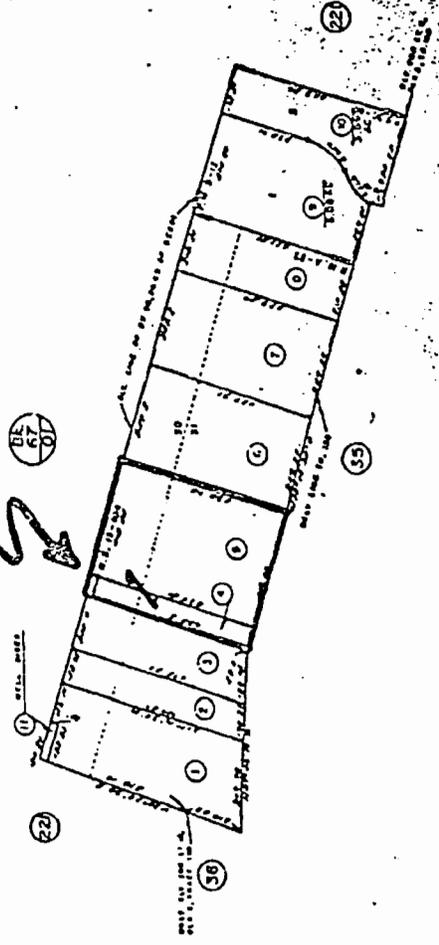
Vol 2294 PAGE 563

NOTE - ASSOCIATED PLACES & CIRCLES IN CIRCLES

74-222

PTM. RANCHO CANADA DE LOS OSOS & LA LAGUNA

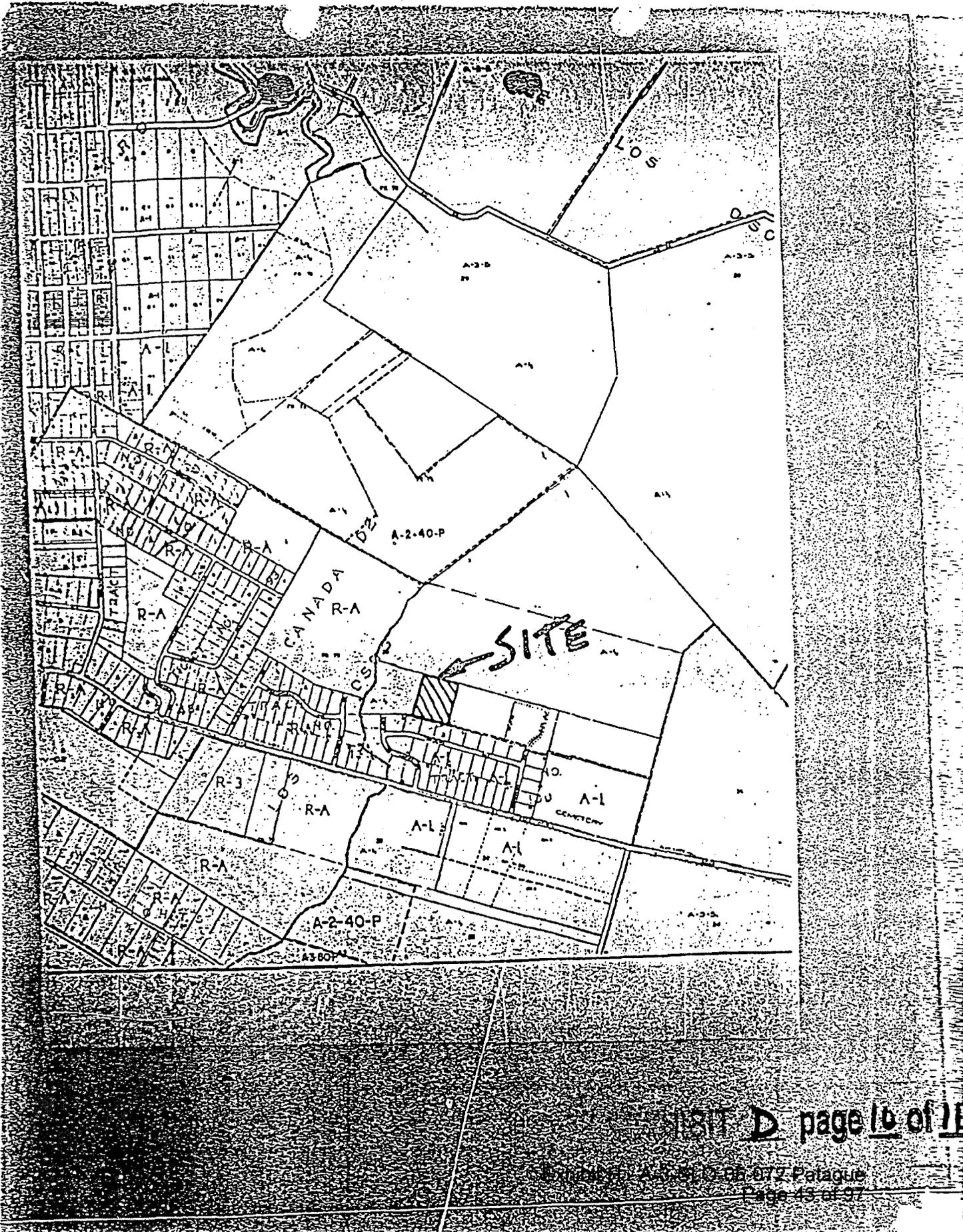
SITE LOCATION



CC-74-222-04 505

Pls. Refer 30 B 31 of Rancho Canada De Los Osos and La Laguna, R.M. Gr. A, Pg. 83

EXHIBIT D page 9 of 10



Patague Conditional Certificate of Compliance S030112C

Possible Conditions (as of February 17, 2005)

1. The Owner shall apply for a notice of Voluntary Merger for county review and approval for portions of Lot 30 and Lot 31 of Rho Canada de los Osos and La Laguna (APN: 074-222-002).
2. The Owner shall dedicate a sixty (60) foot road right-of-way along the south edge of APN: 074-222-002 with one half of the standard road knuckle connection to Lariat Drive.
3. The Owner shall construct a paved road, 2/3 of a county standard road, to connect to Lariat Drive.
4. The Owner shall apply for a road name for the road described in condition of approval #3.
5. The Owner shall submit a detailed landscape plan for a dense landscape strip and/or berm combination between the new constructed road and the south property line to mitigate the impacts to the lots to the south now placed in a double frontage situation.
6. Maintain landscaping for a minimum of three (3) years to allow the landscaping to be fully established.
7. Extend the water main along the full length of the newly constructed road across the property with a fire hydrant at or near the eastern edge of the property line.

The following conditions have been recommended by the County Department of Agriculture.

8. A buffer of 500 feet from the existing irrigated row crops, located to the north and within the Agriculture land use category, shall be established. Because there is an approximately 30 foot access road between the fields and the property boundary, the actual buffer on the proposed parcels would be 470 feet along the entire length of the northern property. The buffer is for habitable structure only.
9. The Owner shall provide supplemental disclosure to purchasers of these properties concerning the nature of the neighborhood agricultural activities, hours of operation, and the county's Right-to-Farm Ordinance.

N17°19'34" E

S17°19'34" W

P.

94

95

96

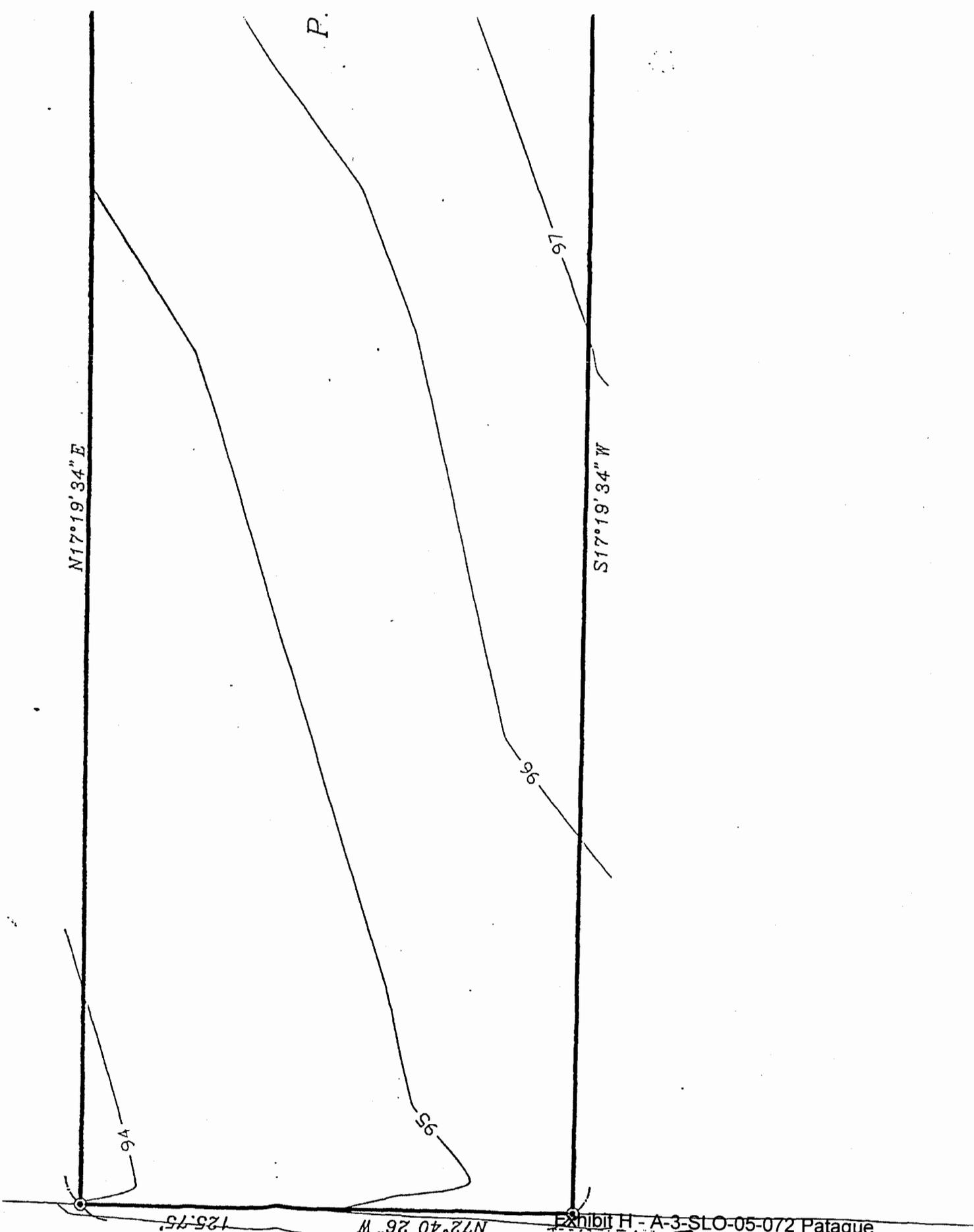
97

125.75

N72°40'26" W

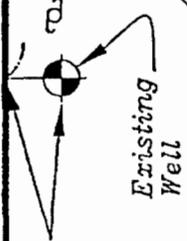
Patague 270-50-01S-3-A-H-1112

EXHIBIT E page 45 of 94



675.88'

9.3'



Existing Well

99

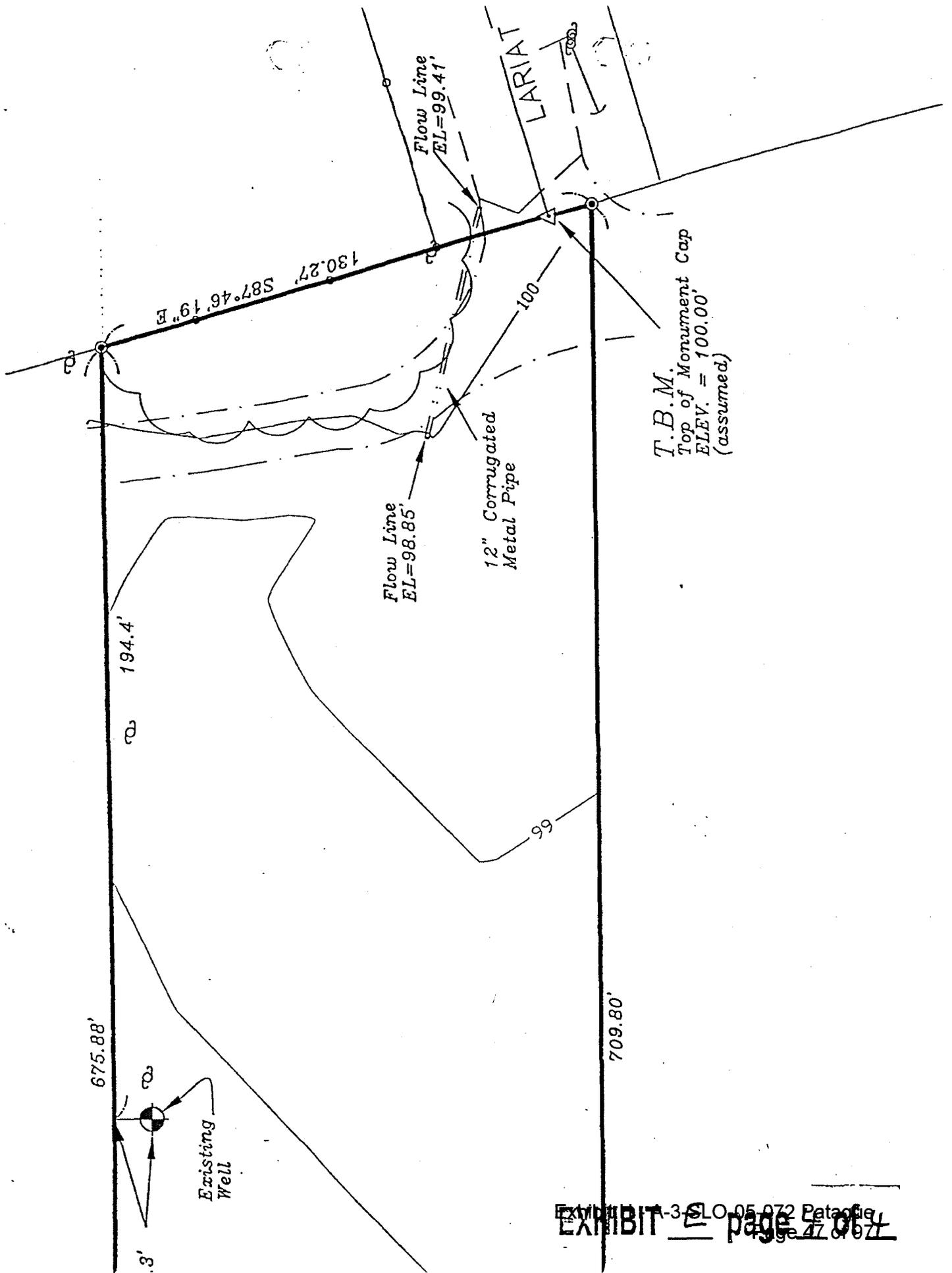
709.80'

85

A.P.N. - 074-222-002

Exhibit H - A-3-SLO-05-072 Patague

EXHIBIT E page 3 of 4



T.B.M.
 Top of Monument Cap
 ELEV. = 100.00'
 (assumed)

Residential Rural

NOTE: THIS AREA HAS BEEN WHITEHOLED BY THE CALIFORNIA COASTAL COMMISSION. THE DEVELOPMENT STANDARDS ARE HELD IN ABEYANCE UNTIL COMPLETION OF AMENDMENT.

A small area has been designated Residential Rural in the northern portion of South Bay. This area is covered with a dense stand of pygmy oaks sloping toward the bay and the marshlands. This area is being considered for acquisition by the State Department of Parks and Recreation and would be redesignated Open Space if acquired. If acquisition does not occur, any development proposed should be through resubdivision of the area and clustering of the units in the least sensitive portion of the site. (Otto property Whitehole)

The eastern fringe along Los Osos Creek is designated Residential Rural. Parcel sizes are generally larger and areas of agricultural use are found within this area. To provide protection for the agricultural uses and the riparian vegetation along the creek, parcel breakdown should be no smaller than 5 acres.

Residential Suburban

Large suburban homesites are available in the eastern portion of the community known as the Creekside Area. This area is generally bounded by South Bay Boulevard on the west, Los Osos Creek on the east and Los Osos Valley Road on the south; small areas adjoining this area lie east of South Bay Boulevard and immediately south of Los Osos Valley Road. Growth in the area has been slow. The area is characterized by a rural atmosphere and parcel sizes of one acre and larger. Significant natural features in this area include pygmy oak groves and riparian habitats along the creek. This area serves as a buffer between the more intensive urban community and adjacent agricultural areas. Incidental light agricultural uses are generally compatible with suburban residential uses; some land has the potential for productive agricultural uses, depending on the topography and water availability.

The undeveloped western portion of the Sunset and Highland areas are also designated for Residential Suburban use. Lot sizes are generally large, and access is limited to much of this area. Portions of the area support large stands of eucalyptus groves which add significantly to the character. In addition, much of this area is immediately adjacent to the habitat for the Morro Bay kangaroo rat, an endangered species.

A third area identified for Residential Suburban use is the southern hillsides of the community. The steeper portion located south of the proposed extension of South Bay Boulevard will develop at suburban densities. It is anticipated that the development will be clustered on the more gentle slopes of the area with the upper steeper slopes being preserved in their natural state.

A fourth area designated for Residential Suburban use is in the undeveloped area north of Santa Lucia Avenue and east of 11th Street. This area is substantially covered with pygmy oaks and



COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556

ROBERT F. LILLEY

AGRICULTURAL COMMISSIONER/SEALER

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SEP 10 2004

Planning & Bldg

(805) 781-5910

FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

DATE: September 9, 2004

TO: Airlin Singewald, Coastal Team

FROM: Lynda L. Auchinachie, Agriculture Department *LLA*

SUBJECT: Patague Conditional Certificate of Compliance (COC) S030112C (0940)

Summary

The Agriculture Department's review finds that the Conditional Certificate of Compliance for an approximately 2-acre parcel currently within the Residential Suburban land use category would result in less than significant impacts to agricultural resources or operations with the incorporation of the following mitigation measures.

Recommended Mitigation Measures

The Agriculture Department recognizes that COCs are not a standard form of subdivision and typical mitigation to reduce impacts to agricultural resources may not be feasible. The Agriculture Department recommends the following:

1. Based on the 1971 Agriculture zoning, the subject parcel should be merged with other adjacent acreage in the applicant's ownership. The resulting parcel should be a minimum of 20 acres, if possible.
2. A buffer of 500 feet from the existing irrigated row crops, located to the north and within the Agriculture land use category, should be established. Because there is an approximately 30 foot access road between the fields and the property boundary, the actual buffer on the proposed parcels would be 470 feet along the entire length of the northern property. The buffer is for habitable structures only.
3. Provide supplemental disclosure to purchasers of these properties concerning the nature of the neighboring agricultural activities, hours of operation, and the county's Right-to-Farm Ordinance.

The comments and recommendations in our report are based the California Environmental Quality Act (CEQA) analysis, and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

Patague Conditional Certificate
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A. Project Description and Agricultural Setting

The applicant is requesting a Conditional Certificate of Compliance for an approximately 2-acre parcel currently within the Residential Suburban land use category. The project site is located on Lariat Drive, directly north of the intersection with Latigo Avenue, within the community of Los Osos. Properties to the north are within the Agriculture land use category and properties to the south, east, and west are currently within the Residential Suburban land use category. At the time the illegal subdivision occurred, the project site was zoned Agriculture.

The agricultural area to the north supports an extensive amount of irrigated row crops on prime soils. Irrigated row crops on prime soils are also grown on the project site farmed in conjunction with approximately two acres west of the project site.

B. Impacts to On-Site Agricultural Resources

The project site is currently designated for residential uses. At the time the illegal subdivision occurred, the property was zoned Agriculture. The two-acre parcel is not of adequate size to support production agriculture. Development of the parcel with non-agricultural uses would result in the conversion of prime soils.

C. Impacts to Adjacent Agricultural Lands

One of the primary goals of the Agriculture and Open Space Element is to ensure the long-term viability of agricultural resources and operations. Part of the land use review process is to identify potential land use conflicts between proposed development and existing production agriculture.

The agricultural area to the north of the project site supports irrigated row crops. Development of habitable structures could be incompatible with these existing facilities because of noise associated with the operation, truck traffic, dust and pesticide use.

D. Recommended Mitigation Measures

The Agriculture Department recognizes that COCs are not a standard form of subdivision and typical mitigation to reduce impacts to agricultural resources may not be feasible. The Agriculture Department recommends the following:

1. Based on the 1971 Agriculture zoning, the subject parcel should be merged with other adjacent acreage in the applicant's ownership. The resulting parcel should be a minimum of 20 acres, if possible.
2. A buffer of 500 feet from the existing irrigated row crops, located to the north and within the Agriculture land use category, should be established. Because there is an

approximately 30 foot access road between the fields and the property boundary, the actual buffer on the proposed parcels would be 470 feet along the entire length of the northern property. The buffer is for habitable structures only.

3. Provide supplemental disclosure to purchasers of these properties concerning the nature of the neighboring agricultural activities, hours of operation, and the county's Right-to-Farm Ordinance.

If we can be of further assistance, please call 781-5914.

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COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST

Project Title & No. Patague Conditional Certificate of Compliance ED04-377:
S030112C (C03-0354)

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.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Geology and Soils	<input type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards/Hazardous Materials	<input type="checkbox"/> Transportation/Circulation
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Wastewater
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input checked="" type="checkbox"/> Water
<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> 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.

Airlin Singewald
Prepared by (Print) [Signature] Signature 4/1/05 Date

Steve McMasters [Signature] Signature
Ellen Carroll, Environmental Coordinator (for) 4/1/05 Date

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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 Teodora and Graciano Patague for a Conditional Certificate of Complianace for one approximately 2 acre lot. The lot created is located at the north end of Lariat Drive, approximately 1,000 feet north of Los Osos Valley Drive, approximately 1 mile east of the community of Los Osos, in the Estero planning area.

ASSESSOR PARCEL NUMBER(S): 074-222-002

SUPERVISORIAL DISTRICT # 2

B. EXISTING SETTING

PLANNING AREA: Estero, Rural

LAND USE CATEGORY: Residential Suburban

COMBINING DESIGNATION(S): Local Coastal Plan/Program

EXISTING USES: Agricultural uses

TOPOGRAPHY: Nearly level

VEGETATION: Grasses

PARCEL SIZE: 2 acres

SURROUNDING LAND USE CATEGORIES AND USES:

North: Agriculture; agricultural uses	East: Residential Suburban; agricultural uses
South: Residential Suburban; residential	West: Residential Suburban; agricultural uses and residence

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 issues associated with

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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) <i>Create an aesthetically incompatible site open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Introduce a use within a scenic view open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the visual character of an area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Create glare or night lighting, which may affect surrounding areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Impact unique geological or physical features?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Visual Impacts - No scenic vistas will be affected. The project will not be visible from any significant public view corridor; therefore no significant visual impacts are expected to occur and no mitigation measures are necessary.

2. AGRICULTURAL RESOURCES - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land to non-agricultural use?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Conflict with existing zoning or Williamson Act program?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impacts - The soil types include:
Marimel silty clay loam

As described in the NRCS Soil Survey, the "non-irrigated" soil class is "III" and the "irrigated soil class is "I".

At the time the illegal subdivision occurred, the parcel was in the Agriculture land use category. Adjacent properties to the north of the project are within the Agriculture land use category, and properties to the south, east, and west are currently within the Residential Suburban land use category. The agricultural area to the north supports an extensive amount of irrigated row crops on prime soils. Irrigated row crops on prime soils are also grown on the project site.

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with approximately two acres west of the project site.

The Agricultural Commissioner has reviewed the proposed project, and has identified the possibility of potential significant impacts to agricultural resources.

Potential Impacts to On-Site Agricultural Resources – At the time the illegal subdivision occurred; the property was in the Agriculture land use category. Although development of the parcel would result in the conversion of prime soils, this potential impact is less than significant because the two-acre parcel is not of adequate size to support production agriculture.

Impacts to Adjacent Agricultural Lands – One of the primary goals of the Agriculture and Open Space Element is to ensure the long-term viability of agricultural resources and operations. Part of the land use review process is to identify potential land use conflicts between proposed development and existing production agriculture. The agricultural area to the north of the project site supports irrigated row crops. Development of habitable structures could be incompatible with these existing facilities/uses because of noise associated with the operation of truck traffic, dust and pesticide use.

Mitigation/Conclusions - The project will be required to incorporate the following measures, as recommended by the Agricultural Commissioner, to reduce potentially significant impacts to agricultural resources to less than significant levels:

1. Prior to recordation of the Conditional Certificate of Compliance, the applicant shall provide an agricultural buffer on the subject property as shown on the attached exhibit A, and as follows:

- a. 375 feet along the northern property line of the subject parcel (APN: 074-222-002)

No structures used for human habitation shall be constructed in the agricultural buffer area. Should the adjacent agricultural property(ies) be rezoned to nonagricultural uses and subsequent development convert the prime soils to urbanized uses eliminating crop production potential, such factors will be taken into consideration during any future applicant requesting reconsideration of the agricultural buffer.

2. Prior to transfer of the parcels created by this subdivision, the applicant shall disclose to prospective buyers, of all parcels created by this proposal, the consequences of existing and potential intensive agricultural operations on adjacent parcels including, but not limited to: dust, noise, odors and agricultural chemicals and the county's Right to Farm and Leash ordinances currently in effect at the time said deed(s) are recorded.

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Expose any sensitive receptor to substantial air pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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3. AIR QUALITY - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) Create or subject individuals to objectionable odors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be inconsistent with the District's Clean Air Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Air Quality Impacts - The Air Pollution Control District 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).

The project is for one Conditional Certificate of Compliance on a lot in the Residential Suburban land use category. Approval of the Conditional Certificate could result in the construction of one single-family residence on the proposed parcel. Construction of one single-family residence would result in the creation of construction dust, as well as short- and long-term vehicle emissions. Based on Table 1-1 of the CEQA Air Quality Handbook, the project will result in less than 10 lbs./day of pollutants, which is below thresholds warranting any mitigation. No significant air quality impacts are expected to occur, and no mitigation measures are necessary.

The Clean Air Plan includes land use management strategies to guide decisionmakers on land use approaches that result in improved air quality. (As identified by APCD) This development 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; and 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). Based on the above discussion, given the smaller number of potential new residences, both individual and cumulative impacts are expected to be less than significant as it relates to the Clean Air Plan land use strategies.

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Reduce the extent, diversity or quality of native or other important vegetation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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4. BIOLOGICAL RESOURCES - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) Impact wetland or riparian habitat?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting - The following habitats were observed on the proposed project: Grasses. Based on the latest California Diversity database and other biological references, the following species or sensitive habitats were identified:

Plants: Arroyo De La Cruz Manzanita (*Arctostaphylos cruzensis*), San Luis Obispo Monardella (*Monardella frutescens*), and Jones's Layia (*Layia jonesii*). Located about 1 mile from parcel are Morro Manzanita (*Arctostaphylos morroensis*), Splitting Yarn Lichen (*Sulcaria isidiifera*) and Pecho Manzanita (*Arctostaphylos pechoensis*).

Wildlife: Tidewater Goby (*Eucyclogobius newberryi*), Morro Bay Kangaroo Rat (*Dipodomys heermanni morroensis*). Located about 1 mile from parcel are Morro Shoulderband Snail, (*Hemithoglypta Walkeriana*).

Habitats: Redlegged Frog and Coastal and Valley Freshwater Marsh

Impact - The project site is currently used for agricultural operations, and does not support any sensitive native vegetation, significant wildlife habitats, or special status species. Although, state and federally recognized endangered species were identified in the vicinity of the project by the California Diversity Database, aerial photographs and site visits have confirmed that due to the high level of site disturbance from agriculture operations and the lack of any potential endangered species habitat on the site, the project would not impact these species.

5. CULTURAL RESOURCES - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Disturb pre-historic resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Disturb historic resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb paleontological resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Culture Resources Impacts - The project is located in an area historically occupied by the Obispeno Chumash. No historic structures are present and no paleontological resources are known to exist in the area.

A Phase I (surface) survey was conducted (Ethan Bertrando, International Archaeological Investigations/ November 2004). No evidence of cultural materials was identified on the project.

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Impacts to historical or paleontological resources are not expected.

6. GEOLOGY AND SOILS -

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a CA Dept. of Mines & Geology Earthquake Fault Zone (formerly Alquist-Priolo)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>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?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting - 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 high.

Active faulting is known to exist on or near the subject property (about .20 miles northeast). 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 (Los Osos Creek) from the proposed development is approximately .05 to the west.

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The project does not propose the use of hazardous materials. The project does not present a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan.

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generate increases in the ambient noise levels for adjoining areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose people to severe noise or vibration?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Noise Impacts - The project will not generate nor is it exposed to significant stationary or transportation-related noise sources, therefore, no significant noise impacts are expected to occur.

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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace existing housing or people, requiring construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create the need for substantial new housing in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Use substantial amount of fuel or energy?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Population and Housing Impacts - 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

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be imposed as a condition of approval of any new residential development project.

The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

Mitigation/Conclusion - 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 - <i>Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection (e.g., Sheriff, CHP)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Solid Wastes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Public Services/Utilities Impacts - The project area is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF (South Bay Fire Department) fire station is approximately 1.5 miles to the west. The closest Sheriff substation is in Los Osos, which is approximately 1.5 miles from the proposed project. The project is located in the San Luis Coastal Unified School District.

The project, along with numerous others in the area will have a cumulative effect on police and fire protection, and school. Public facility and school fee programs have been adopted to address this impact and will reduce the cumulative impact to a level of insignificance.

11. RECREATION - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase the use or demand for parks or other recreation opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Affect the access to trails, parks or other recreation opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Recreation Impacts - The project is not proposed in a local area that will affect a significant recreational resource. Prior to map recordation, county ordinance requires the payment of a fee.

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(Quimby) for the improvement or development of neighborhood or community parks.

Mitigation/Conclusion - The "Quimby" fee will adequately mitigate the project's impact on recreational facilities.) No significant recreation impacts are anticipated, and no mitigation 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Reduce existing "Levels of Service" on public roadway(s)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Provide for adequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate internal traffic circulation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Result in a change in air traffic patterns that may result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Transportation/Circulation Impacts - Future development will access onto the following public road(s): Lariat Drive. The identified roadway is operating at acceptable levels. Referrals were sent to Public Works. No significant traffic-related concerns were identified.

The proposed project is for one Conditional Certificate of Compliance in the Residential Suburban land use category, which could result in the construction of one single-family residence. Such development is estimated to generate about 9.57 trips per day, based on the Institute of Traffic Engineer's manual of 9.57 trips per dwelling unit. This small amount of additional traffic will not result in a significant change to the existing road service levels or traffic safety; therefore no mitigation measures are necessary although the road frontage will be improved to a 30 foot county gravel road standard.

EXHIBIT 11 page 11 of 23
 Exhibit A-3/SLO-100 Page 62 of 97

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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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Adversely affect community wastewater service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Wastewater Impacts - As described in the NRCS Soil Survey (see Geology section for soil types), the main limitations for on-site wastewater systems relates to: slow percolation limitations identified. These limitations are summarized as follows:

Slow Percolation - is where fluid percolates 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. To achieve compliance with the Central Coast Basin Plan, additional information will be needed prior to issuance of a building permit that shows the leach area can adequately percolate to achieve this threshold.

Mitigation/Conclusion - 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 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.

14. WATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any water quality standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Change the quantity or movement of available surface or ground water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Adversely affect community water service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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ER - Will the	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable	Significant	Not Applicable
discharge requirements Central Basin Plan criteria for systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
quality of surface or (e.g., nitrogen-loading,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
to community service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Significant
Not Applicable

its water source,
as the lot will be
These units will be
Environmental Health
test, and a full water

used development is
surface is considered

- As described in the NRCS Soil Survey (see Geology section for soil types),
or on-site wastewater systems relates to: slow percolation limitations identified,
summarized as follows:

where fluid percolates too slowly through the soil for the natural processes to
turn the effluent into harmless components. The Basin Plan identifies the
rate should be less than 120 minutes per inch. To achieve compliance with the Central
Basin Plan, additional information will be needed prior to issuance of a building permit that
can adequately percolate to achieve this threshold.

on - The leach lines shall be located at least 100 feet from any private well and
community/public well. Prior to building permit issuance, the septic system will
be installed in detail to insure compliance with the Central Coast Basin Plan for any
new, and will not be approved if Basin Plan criteria cannot be met.

Residential Suburban
Density. Based on the
analysis, the project
would likely be

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of Compliance, the
Environmental Health
Department water quality report
indicates quality impacts to less

Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable	Consistent	Not Applicable
water quality standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
to surface waters or near surface water quality criteria, temperature, oxygen, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
quality of groundwater water intrusion, nitrogen- loading)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
quantity or movement of surface or ground water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
protect community water supply provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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15. LAND USE - Will the project:	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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). 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. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study. The intent of the Conditional Certificate of Compliance is to apply conditions and mitigation measures, which are designed to ensure future development of the parcel is compatible with surrounding uses. For example, as proposed by the County Agricultural Commissioner, a 375-foot agricultural buffer will be applied to the project (measured from the northern property line) to mitigate potential land use conflicts with adjacent agricultural lands.

Mitigation/Conclusion - To mitigate for potential land use incompatibilities with adjacent agricultural uses, a 375-foot agricultural buffer will be applied to the project to ensure that no structures for human habitation are constructed within 375-feet from the irrigated row crops to the north of the subject parcel.

16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:	Potentially Significant	Impact can & will be mitigated.	Insignificant Impact	Not Applicable
a) <i>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?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>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)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Have environmental effects which will cause substantial adverse effects on human beings, either directly or</i>				

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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:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	In File**
<input checked="" type="checkbox"/>	County Environmental Health Division	In File**
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	In File**
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input type="checkbox"/>	Air Pollution Control District	Not Applicable
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input checked="" type="checkbox"/>	CA Coastal Commission	None
<input type="checkbox"/>	CA Department of Fish and Game	Not Applicable
<input type="checkbox"/>	CA Department of Forestry	Not Applicable
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input checked="" type="checkbox"/>	Los Osos Community Service District	In File**
<input checked="" type="checkbox"/>	Other <u>Los Osos Community Advisory Cncl</u>	None
<input type="checkbox"/>	Other _____	Not Applicable

** "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.

- | | |
|---|---|
| <input checked="" type="checkbox"/> Project File for the Subject Application | <input type="checkbox"/> Area Plan and Update EIR |
| <u>County documents</u> | <input type="checkbox"/> Circulation Study |
| <input type="checkbox"/> Airport Land Use Plans | <u>Other documents</u> |
| <input checked="" type="checkbox"/> Annual Resource Summary Report | <input checked="" type="checkbox"/> Archaeological Resources Map |
| <input type="checkbox"/> Building and Construction Ordinance | <input checked="" type="checkbox"/> Area of Critical Concerns Map |
| <input type="checkbox"/> Coastal Policies | <input checked="" type="checkbox"/> Areas of Special Biological Importance Map |
| <input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland) | <input checked="" type="checkbox"/> California Natural Species Diversity Database |
| <input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include: | <input checked="" type="checkbox"/> Clean Air Plan |
| <input checked="" type="checkbox"/> Agriculture & Open Space Element | <input checked="" type="checkbox"/> Fire Hazard Severity Map |
| <input checked="" type="checkbox"/> Energy Element | <input checked="" type="checkbox"/> Flood Hazard Maps |
| <input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements) | <input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County |
| <input checked="" type="checkbox"/> Housing Element | <input checked="" type="checkbox"/> Regional Transportation Plan |
| <input checked="" type="checkbox"/> Noise Element | <input checked="" type="checkbox"/> Uniform Fire Code |
| <input type="checkbox"/> Parks & Recreation Element | <input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin - Region 3) |
| <input checked="" type="checkbox"/> Safety Element | <input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.) |
| <input checked="" type="checkbox"/> Land Use Ordinance | <input type="checkbox"/> Exhibit H - A-3-SLO-05-072 Patague |
| <input type="checkbox"/> Real Property Division Ordinance | <input type="checkbox"/> Other |
| <input type="checkbox"/> Trails Plan | |
| <input type="checkbox"/> Solid Waste Management Plan | |

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

Cultural Resources Inventory of Patague Parcel APN: 074-222-002, Ethan Bertrando, November 30, 2004

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Exhibit B - Mitigation Summary Table

Agricultural Resources

AG-1 Prior to recordation of the Conditional Certificate of Compliance, the applicant shall provide an agricultural buffer on the subject property as shown on the attached exhibit A, and as follows:

- a. 375 feet along the northern property line of the subject parcel (APN: 074-222-002)

No structures used for human habitation shall be constructed in the agricultural buffer area (subject to possible removal of this condition upon application).

AG-2 Prior to transfer of the parcels created by this subdivision, the applicant shall disclose to prospective buyers, of all parcels created by this proposal, the consequences of existing and potential intensive agricultural operations on adjacent parcels including, but not limited to: dust, noise, odors and agricultural chemicals and the county's Right to Farm and Lease ordinances currently in effect at the time said deed(s) are recorded.

Water

W-1 Prior to recordation of the Conditional Certificate of Compliance, the applicant shall provide the following to the satisfaction of County Environmental Health Department: A shared well agreement, well completion report, pump tests, and a full water quality report.

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July 25, 2005

JUL 28 2005

**DEVELOPER'S STATEMENT FOR
Patague Conditional Certificate of Compliance
ED04-377; C03-0354/ S030112C**

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development 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.

The following mitigation measures address impacts that may occur as a result of the development of the project.

Agricultural Resources

Agricultural Buffer

AG-1 Prior to recordation of the Conditional Certificate of Compliance, the applicant shall provide an agricultural buffer on the subject property as shown on the attached exhibit A, and as follows:

- a. 375 feet along and from the northern property line of the subject parcel (APN: 074-222-002)

No structures used for human habitation shall be constructed in the agricultural buffer area (subject to possible removal of this condition upon application).

Monitoring: Required prior to recordation of the Conditional Certificate of Compliance. The County Department of Planning and Building will review building permit applications on the subject parcel for compliance with the restrictions of the agricultural buffer.

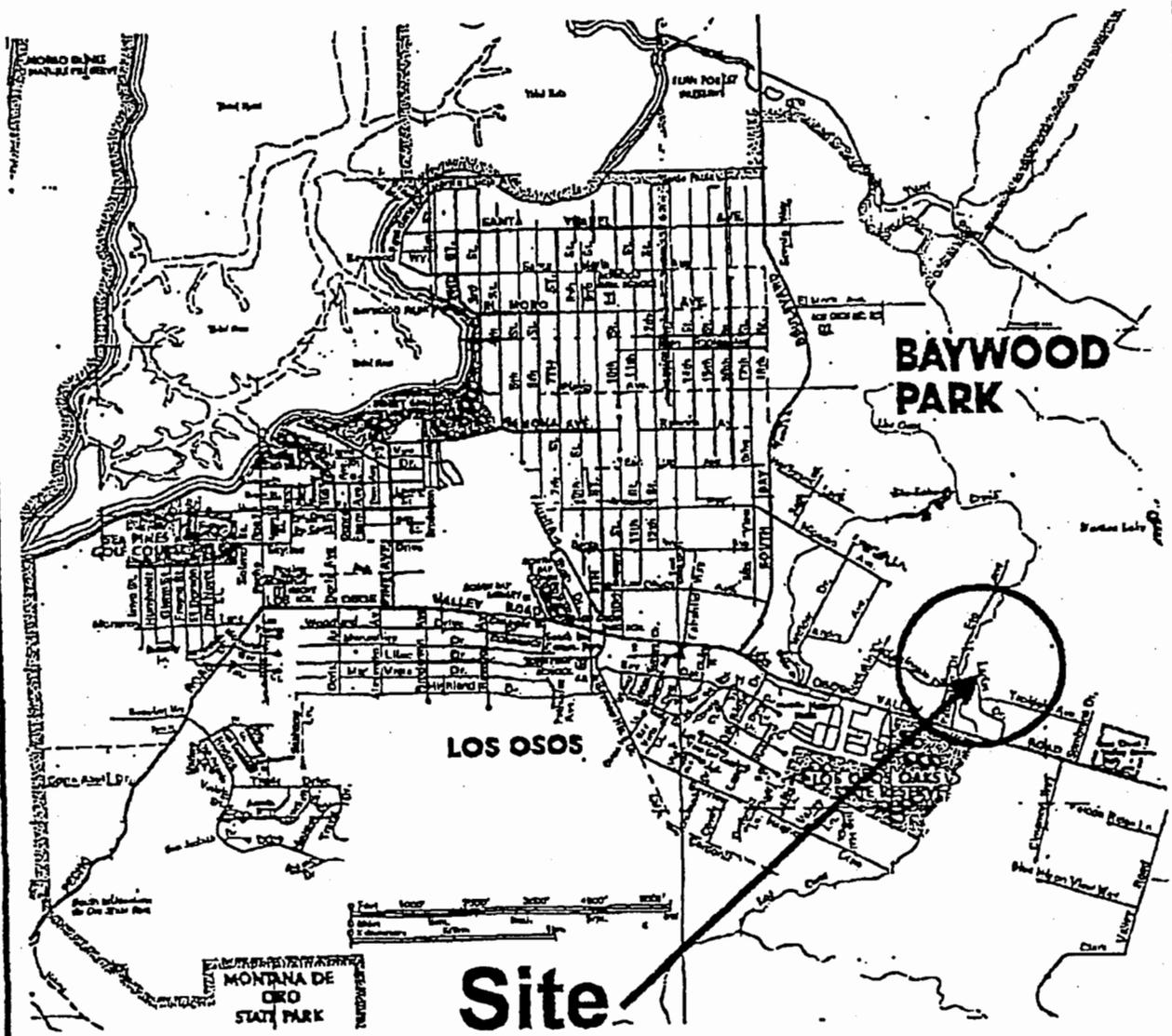
AG-2 Prior to transfer of the parcels created by this subdivision, the applicant shall disclose to prospective buyers, of all parcels created by this proposal, the consequences of existing and potential intensive agricultural operations on adjacent parcels including, but not limited to: dust, noise, odors and agricultural chemicals and the county's Right to Farm and Leash ordinances currently in effect at the time said deed(s) are recorded.

Water

W-1 Prior to recordation of the Conditional Certificate of Compliance, the applicant shall provide the following to the satisfaction of the County Environmental Health Department: A well completion report, pump tests, and a full water quality report.

1-90

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING



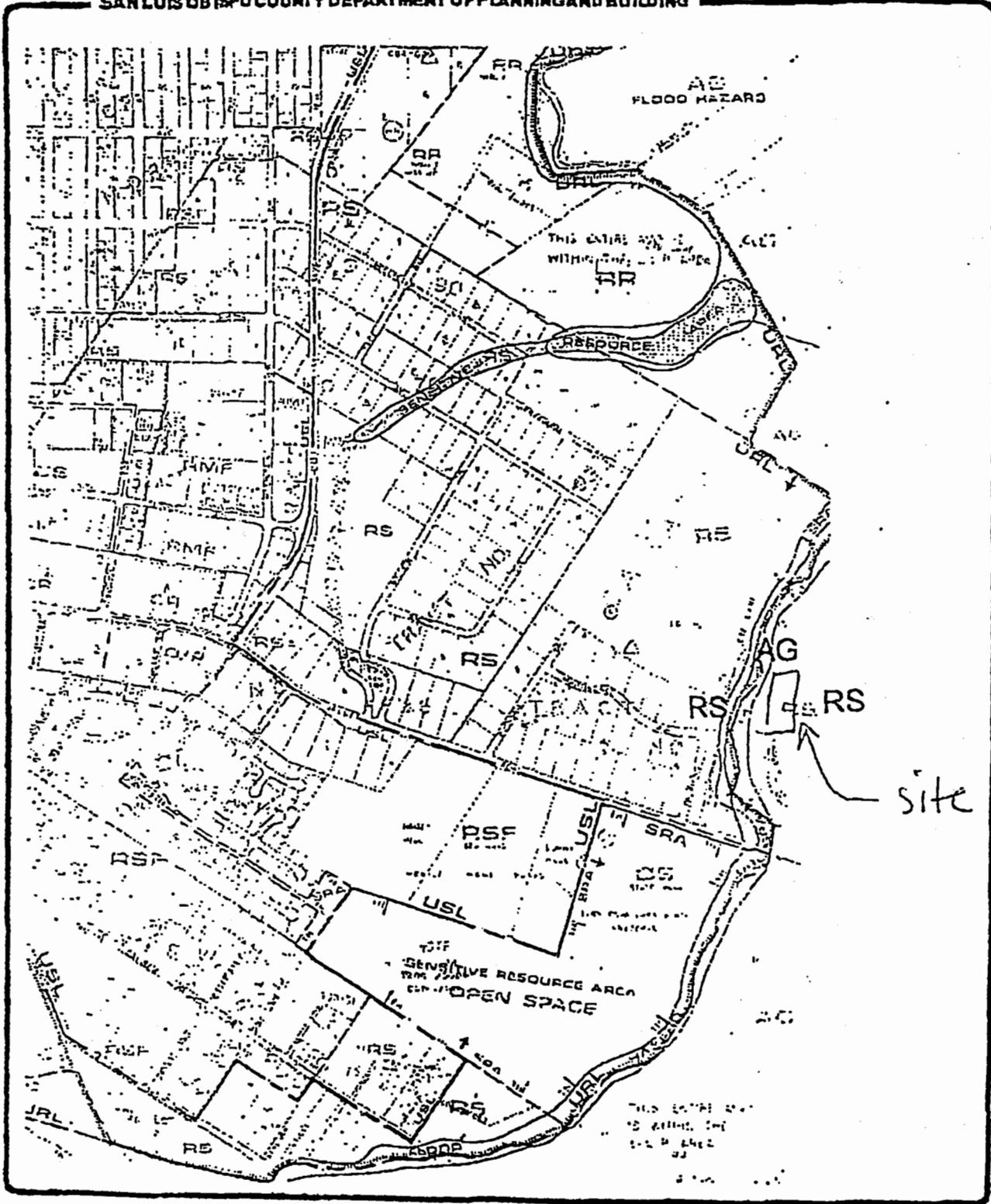
PROJECT
Conditional Cert. of Compliance
Patague/ S030112C (C03-0354)



EXHIBIT
Vicinity Map
 Exhibit H - A-3-SLO-05-072 Patague

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SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING



PROJECT
 Conditional Cert. of Compliance
 Patague/ S030112C (C03-0354)



EXHIBIT
 Land Use Category -
 Residential Suburban

(Revised June 29, 1966)

DATE 5/12/71

TO: County Planning Department
Division of Building and Safety

AGG - 1 200

I, John G. Nunn, hereby apply for a permit to construct,
repair or abandon a well located on Lot _____ Block _____ Tract _____
SE 1/4 of section 18 Township 30 S.
OR Section _____ Township _____ Range 11 E

(Street Address or County Road)

Owner/Agent George Menor
Address 1230 Santa Cruz - La Brea, California
Well Driller Water Well Supply

I hereby agree to comply with all laws and regulations of the San Luis Obispo County Health Department and the State of California pertaining to, or regulating well construction. Within fifteen days after completion of the well, I will furnish the County Health Department a log of the well and notify them before putting the well in use.

INTENDED USE

- _____ Industrial
- Domestic, Private
- _____ Domestic, Public
- _____ Irrigation
- _____ Other

Signed John G. Nunn
Owner or Contractor

Comments: 5/13/71
Ad #100 AP
San Luis Obispo County Health Department

TYPE OF WELL

- _____ Dug
- _____ Driven
- _____ Drilled
- _____ Hand Bored
- Rotary Wells
- _____ Other

CONSTRUCTION

Well

_____ Depth (feet)

_____ Diameter (inches)

Casing

_____ Gauge

_____ Depth (feet)

_____ Conductor and Cement

PLOT PLAN ON REVERSE

FOR OFFICE USE ONLY

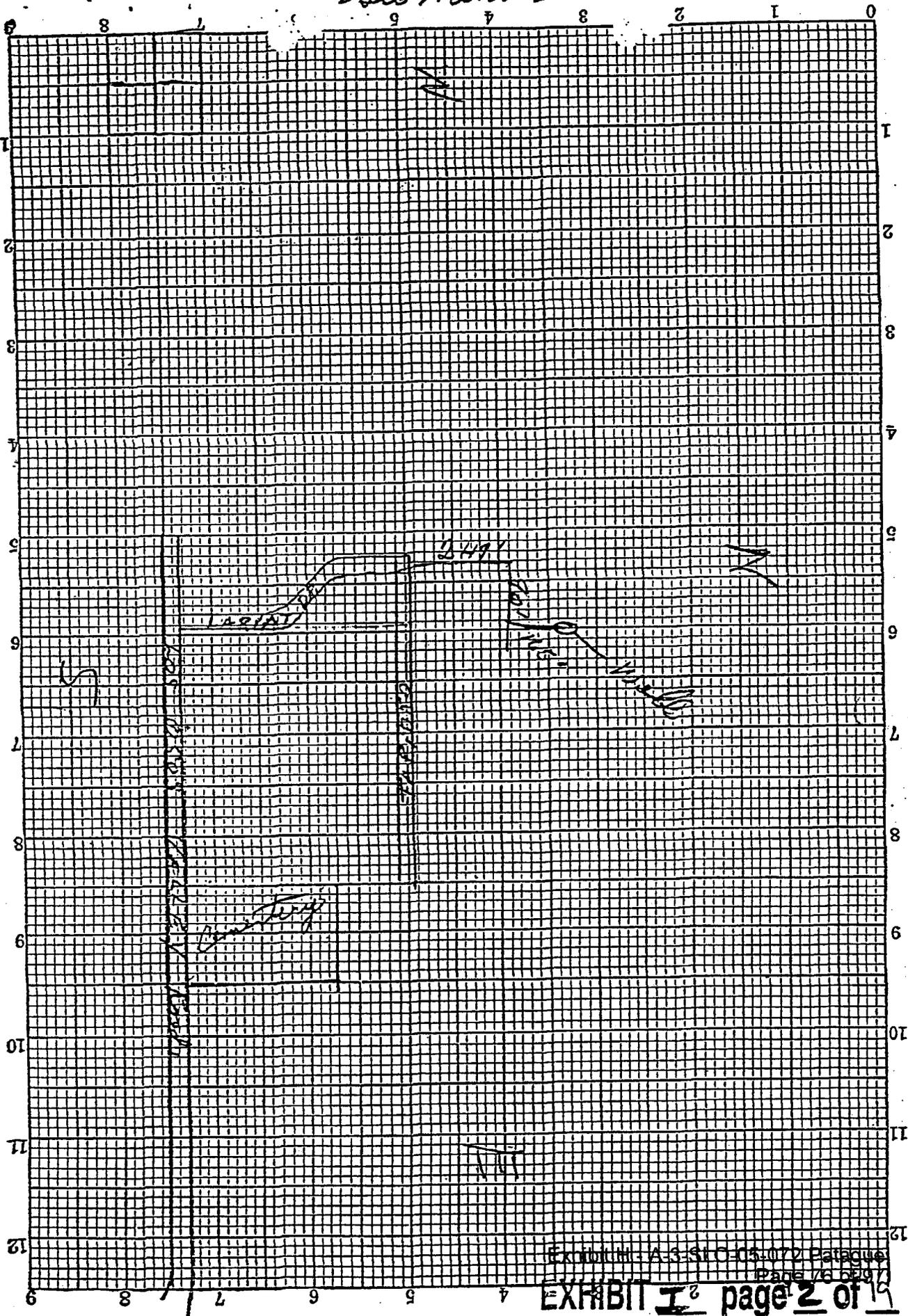
Approved Not Approved

[Signature]
Sanitarian

Exhibit A-43-SLO-05-072 Patague
Date _____ Page 75 of 97

EXHIBIT I page 1 of 19

Geo Memo



WATER WELL DRILLER'S REPORT

1. OWNER
 NAME George Menor
 ADDRESS 230 Santa Unez, Los Osos, Calif.

2. LOCATION OF WELL
 COUNTY San Luis OWNER'S NO. IF ANY _____
 R.F.D. OR ST. NO. _____

3. TYPE OF WORK (Check)
 New Well Deepening _____
 Reconditioning _____ Abandon _____
 If abandonment, describe material and procedure in Item II _____

4. PROPOSED USE (Check)
 Domestic Industrial _____ Municipal _____
 Irrigation _____ Test Well _____ Other _____

5. EQUIPMENT
 Rotary Dug Well _____ Cable _____

6. CASING INSTALLED

Single	Double	Gauge or
From Ft.	to Ft.	Diam. Wall
" 0 "	" 65' "	6" .188 "
" "	" "	" "
" "	" "	" "
" "	" "	" "

Type & Size, shoe-well ring _____
 Describe Joint welded

If Gravel Pack:

Diameter of Bore	From Ft.	To Ft.
12 5/8	0	65
"	"	"
"	"	"

Size of Gravel Pea gravel

7. PERFORATIONS
 Type Perforator Used Roscoe Moss Louver
 Size Perforation _____
 In., Length, by _____ In.

FROM	Ft To	Ft	Perf/row	Rows/Ft
" 1.5 "	.65 "	"	" "	" "
" "	" "	"	" "	" "
" "	" "	"	" "	" "
" "	" "	"	" "	" "

8. CONSTRUCTION
 Was a surface sanitary seal provided? _____
 Yes No _____ To what depth? 22' Ft.
 Were any strata sealed against pollution?
 Yes _____ No _____ If yes, note depth of strata
 From _____ Feet To _____ Feet
 Method of Sealing caementing

9. WATER LEVELS
 Depth at which water first found _____ Ft.
 Standing level before perforating _____ Ft.
 Standing level after perforating 20' Ft.

10. WELL TESTS
 Was a pump test made? Yes _____ No _____
 If yes, by whom? _____
 Yield _____ Gal/Min with _____ Ft.
 draw down after _____ Hours.
 Temperature of Water _____
 Was a chemical analysis made? _____
 Yes _____ No _____
 Was electric log made of well? _____
 Yes _____ No _____

INTERIM POLICY ON MINERAL QUALITY OF DRINKING WATER
Adopted by State Board of Public Health - September 4, 1959

1. Water supply permits may be issued for drinking and culinary purposes only when the Public Health Service Drinking Water Standards of 1946 and the State Board of Public Health policy on fluorides are fully met.
2. In view of the wide variation in opinion in this field, the uncertainty as to the long-time health effects, the uncertainty of public attitude concerning various mineral levels, and the obvious need for further study, temporary permits may be issued for drinking water supplies failing to meet the Drinking Water Standards if the mineral constituents do not exceed those listed under the heading "Temporary Permit" in the following table:*

UPPER LIMITS OF TOTAL SOLIDS AND SELECTED MINERALS IN
DRINKING WATER AS DELIVERED TO THE CONSUMER**

	Permit	Temporary Permit
Total Solids	500 (1,000)***	1,500 parts per million
Sulphates	250 (500)***	600 " " "
Chlorides	250 (500)***	600 " " "
Magnesium	125 (125)	150 " " "

*This interim policy relates to potable water and is not intended to apply to a secondary mineralized water supply intended for domestic uses other than drinking and culinary purposes.

**Waters having less than 32 milliequivalents per liter of dissolved minerals or 1,600 micromhos electrical conductance will usually have less than 1,000 parts per million total solids.

***Numbers in parentheses are maximum permissible, to be used only where no other more suitable waters are available in sufficient quantity for use in the system.

3. **Exception:** No temporary permit for drinking water supplies in which the mineral constituents exceed those listed under the heading "Temporary Permit" as set forth in #2 above may be issued unless the Board determines after public hearings:
 - (a) The water to be supplied will not endanger the lives or health of human beings; and
 - (b) No other solution to meet the local situation is practicable and feasible; and
 - (c) The applicant is making diligent effort to develop, and has reasonable prospect of developing a supply of water which will warrant a regular permit within an acceptable period of time.

The burden of presenting evidence to fulfill the requirements as set forth in (a), (b), and (c) above is upon the applicant. Exhibit H - A-3-SLO-05-072 Patague

State of California
Department of Water Resources

Quality Criteria for Domestic Water

This is furnished for general information only, and is not intended to augment or replace standards or recommendations of local regulatory agencies. If further interpretation of these analyses are desired, it is suggested that you contact the State Health Department or your local regulatory agency.

The most widely used criteria for assessing suitability of water for domestic or municipal uses are the "Public Health Service Drinking Water Standards." Limits for mineral and other constituents are divided into two groups: (1) "Concentrations which constitute grounds for rejection of supply," and (2) "Recommended Maximum Limits."

Concentrations Which Constitute Grounds for Rejection

Arsenic (As)	0.05 ppm* - (ug/l)
Barium (Ba)	1.0 ppm
Cadmium (Cd)	0.01 ppm
Chromium (Hexavalent)(Cr + 6)	0.05 ppm
Cyanide (CN)	0.2 ppm
Lead (Pb)	0.05 ppm
Selenium (Se)	0.01 ppm
Silver (Ag)	0.05 ppm

Recommended Maximum Limits

The following chemical substances should not be present in a water supply in excess of the listed concentrations where, in the judgment of the Reporting Agency and the Certifying Authority, other more suitable supplies are or can be made available.

Alkyl Benzene Sulphonate (ABS) Detergent	0.5 ppm
Arsenic (As)	0.01 ppm
Chloride (Cl)	250 ppm
Copper (Cu)	1.0 ppm
Cyanide (CN)	0.01 ppm

Iron (Fe)	0.3	ppm	✓
Manganese (Mn)	0.05	ppm	✓
Nitrate (NO ₃)	45	ppm	✓
Phenols	0.001	ppm	
Sulfate (SO ₄)	250	ppm	
Total Dissolved Solids	500	ppm	✓
Zinc (Zn)	5	ppm	

Maximum safe limits of fluoride ion concentrations are related to mean annual temperature, and are defined by the State Department of Public Health as follows:

<u>Mean Annual Temperature</u>	<u>Mean Monthly Fluoride Ion Concentration</u>
50°F	1.5 ppm
60°F	1.0 ppm
70°F-above	0.7 ppm <i>Low</i>

For temperature values between those shown in the table, the fluoride ion concentrations may be obtained by interpolation.

Total hardness is a significant factor in the determination of the suitability of water for domestic or municipal use. Waters containing 100 ppm or less of hardness (as CaCO₃) are considered "soft"; those containing 101 to 200 ppm are considered "moderately hard"; and those with more than 200 ppm are considered "very hard."

* Parts per million (ppm) are approximately equivalent to milligrams per liter (mg/l).

STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES

Quality Criteria for Irrigation Water

This is furnished for information only. If further interpretation of this analysis is desired, it is suggested that you contact a consulting engineer or the local farm advisor.

The following excerpts from a paper by Dr. L. D. Doneen of the Division of Irrigation of the University of California at Davis, may assist in interpreting water analyses from the standpoint of their suitability for irrigation.

"Because of diverse climatological conditions, crops, and soils in California, it has not been possible to establish rigid limits for all conditions involved. Instead, irrigation waters are divided into three broad classes based upon work done at the University of California Laboratory, the Rubidoux Laboratory, and Regional Salinity Laboratories of the United States Department of Agriculture.

"Class 1. Excellent to Good--Regarded as safe and suitable for most plants under any condition of soil and climate.

"Class 2. Good to Injurious--Regarded as possibly harmful for certain crops under certain conditions of soil or climate, particularly in the higher ranges of this class.

"Class 3. Injurious to Unsatisfactory--Regarded as probably harmful to most crops and unsatisfactory for all but the most tolerant.

"Tentative standards for irrigation waters have taken into account four factors or constituents, as listed below:

	<u>Class 1</u> excellent to good	<u>Class 2</u> good to injurious	<u>Class 3</u> injurious to unsatisfactory
Conductance EC x 10 ⁶ at 25° C	Less than 1,000	1,000-3,000	More than 3,000
Chloride, epm	Less than 5	5-10	More than 10
Per cent sodium	Less than 60	60-75	More than 75
Boron, ppm	Less than 0.5	0.5-2.0	More than 2.0
	(End of quotation)		

The values shown in the foregoing tabulation should be used as a guide only, since permissible limits vary widely with different crops, soils, and climatic conditions.

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Extract from U.S. Department of Agriculture
 Technical Bulletin 962, "The Quality of Water
 for Irrigation Use, 1948" by L. V. Wilcox

Table 1. Permissible limits for boron of several classes of irrigation water.

Classes of Water	Crop Groups		
	Sensitive	Semitolerant	Tolerant
	p.p.m.	p.p.m.	p.p.m.
Excellent	0.33	0.67	1.00
Good	0.33 to 0.67	0.67 to 1.33	1.00 to 2.00
Permissible	0.67 to 1.00	1.33 to 2.00	2.00 to 3.00
Doubtful	1.00 to 1.25	2.00 to 2.50	3.00 to 3.75
Unsuitable	1.25	2.50	3.75

Table 2. Relative tolerance of crop plants to boron.
 (In each group the plants first named are considered as
 being more sensitive and the last named more tolerant)

Sensitive to boron	Semitolerant to boron	Tolerant to boron
Lemon	Lima bean	Carrot
Grapefruit	Sweet potato	Lettuce
Avocado	Bell pepper	Cabbage
Orange	Tomato	Turnip
Thornless blackberry	Pumpkin	Onion
Apricot	Zinnia	Broadbean
Peach	Oat	Gladiolus
Cherry	Milo	Alfalfa
Persimmon	Corn	Garden beet
Kadota fig	Wheat	Mangel
Grape (Sultania and Malaga)	Barley	Sugar Beet
Apple	Olive	Palm (Phoenix canariensis)
Pear	Ragged Robin rose	Date palm (P. dactylifera)
Plum	Field pea	Asparagus
American elm	Radish	Tamarix (or athena)
Navy bean	Sweet pea	(Tamarix aphylla and T. gallica)
Jerusalem artichoke	Pima cotton	
Persien (English walnut)	Acala cotton	
Black walnut	Potato	
Pecan	Sunflower (native)	

Alias/Sample Site						Report Routing				
	Analysis Number	Collected and Received Date/Time	Sampler Name	Sample Type	Reason	SHD	EDT	CHD	RB	Others
	Method	Analysis Name			Result	Units	Completed Date/Analyst Name			

1D9

Patague

19980924001	9/23/98 9:27:00 AM	9/24/98 7:46:50 AM	Sutherland	GRAB	REQUIRED	No	No	No	No
SM 4500-P B(2), E		Acid Hydrolyzable and Reactive Phosphate as P			.81	mg/L		11/6/98	Wallender
4500-NH3 D		Ammonia as Nitrogen			.48	mg/L		9/25/98	Wallender
SM 2320 B		Bicarbonate as CaCO3			440	mg/L		9/25/98	Dyson
SM 3500-Ca.D		Calcium			120	mg/L		9/31/98	Dyson
SM 2320 B		Carbonate as CaCO3			0	mg/L		9/25/98	Dyson
4500-Cl B or 4110		Chloride			110	mg/L		9/24/98	Wallender
		Depth to Water			30.88	ft			
EPA 120.1		Electrical Conductivity or Specific Conductance (Lab)			1200	umhos/cm		9/25/98	Dyson
SM 3500-Mg E		Magnesium			85	mg/L		9/31/98	Dyson
4110		Nitrate as Nitrogen			<100	ug/L		9/24/98	Wallender
4500-NO2 B or 4110		Nitrite as Nitrogen			<100	ug/L		9/24/98	Wallender
SM 4500 H+ B		pH (measured in field)			7.10				
SM 4500 H+ B		pH (measured in the lab)			7.64			9/25/98	Dyson
SM 3111 B		Potassium			1.5	mg/L		9/31/98	Dyson
SM 3111 B		Sodium			50	mg/L		9/31/98	Dyson
SM 4500-SO4 C or 4110		Sulfate			160	mg/L		9/24/98	Wallender
		Temperature			19.6	°C			
SM 2320 B		Total Alkalinity as CaCO3			440	mg/L		9/25/98	Dyson
SM 2540 C		Total Dissolved Solids			890	mg/L		9/25/98	Dyson
SM 2340 C		Total Hardness as CaCO3			650	mg/L		9/31/98	Dyson
4500-Norg C		Total Kjeldahl Nitrogen			1.0	mg/L		11/2/98	Wallender

Comments:

1

19980924002	9/23/98 12:45:00 PM	9/24/98 7:48:21 AM	Sutherland	GRAB	REQUIRED	No	No	No	No
SM 4500-P B(2), E		Acid Hydrolyzable and Reactive Phosphate as P			<10	mg/L		11/6/98	Wallender
4500-NH3 D		Ammonia as Nitrogen			<10	mg/L		9/25/98	Wallender
SM 2320 B		Bicarbonate as CaCO3			76	mg/L		9/25/98	Dyson
SM 3500-Ca.D		Calcium			24	mg/L		9/31/98	Dyson
SM 2320 B		Carbonate as CaCO3			0	mg/L		9/25/98	Dyson
4500-Cl B or 4110		Chloride			56	mg/L		9/24/98	Wallender
		Depth to Water			0.71	ft			
EPA 120.1		Electrical Conductivity or Specific Conductance (Lab)			520	umhos/cm		9/25/98	Dyson
SM 3500-Mg E		Magnesium			17	mg/L		9/31/98	Dyson
4110		Nitrate as Nitrogen			18000	ug/L		9/24/98	Wallender
4500-NO2 B or 4110		Nitrite as Nitrogen			<100	ug/L		9/24/98	Wallender
SM 4500 H+ B		pH (measured in field)			6.60				
SM 4500 H+ B		pH (measured in the lab)			6.66			9/25/98	Dyson
SM 3111 B		Potassium			2.2	mg/L		9/31/98	Dyson
SM 3111 B		Sodium			55	mg/L		9/31/98	Dyson
SM 4500-SO4 C or 4110		Sulfate			32	mg/L		9/24/98	Wallender
		Temperature			19.4	°C			
SM 2320 B		Total Alkalinity as CaCO3			76	mg/L		9/25/98	Dyson
SM 2540 C		Total Dissolved Solids			350	mg/L		9/25/98	Dyson
SM 2340 C		Total Hardness as CaCO3			130	mg/L		9/31/98	Dyson
4500-Norg C		Total Kjeldahl Nitrogen			<1.0	mg/L		11/2/98	Wallender

Comments:

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Sample Site					Report Routing					
Analysis Number	Collected and Received	Date	Sampler Name	Sample Type	Reason	SHD	EDT	CHD	RB	Others
Method	Analysis Name		Result	Units	Completed Date/Analyst Name					
18R1	18R1									
19980603032	6/3/98 1:45:00 PM	6/3/98 3:04:00 PM	Sutherland	GRAB	REQUIRED	No	No	No	No	
SM 4500-P B(2), E	Acid Hydrolyzable and Reactive Phosphate as P		<.10	mg/L		6/23/98				Wallender
4500-NH3 D	Ammonia as Nitrogen		<.10	mg/L		6/11/98				Wallender
SM 2320 B	Bicarbonate as CaCO3		62	mg/L		6/5/98				Dyson
SM 3500-Ca.D	Calcium		21	mg/L		6/9/98				Dyson
SM 2320 B	Carbonate as CaCO3		0	mg/L		6/5/98				Dyson
4500-Cl B or 4110	Chloride		59	mg/L		6/4/98				Wallender
	Depth to Water		Not Analyzed	ft						
EPA 120.1	Electrical Conductivity or Specific Conductance (Lab)		517	umhos/cm		6/9/98				Beaton
SM 3500-Mg E	Magnesium		16	mg/L		6/9/98				Dyson
4110	Nitrate as Nitrogen		15000	ug/L		6/4/98				Wallender
4500-NO2 B or 4110	Nitrite as Nitrogen		<100	ug/L		6/4/98				Wallender
SM 4500 H+ B	pH (measured in field)		6.51							
SM 4500 H+ B	pH (measured in the lab)		6.52			6/11/98				Zenker
SM 3111 B	Potassium		0.82	mg/L		6/15/98				Dyson
SM 3111 B	Sodium		49	mg/L		6/12/98				Dyson
SM 4500-SO4 C or 4110	Sulfate		18	mg/L		6/4/98				Wallender
	Temperature		17.1	°C						
SM 2320 B	Total Alkalinity as CaCO3		62	mg/L		6/5/98				Dyson
SM 2540 C	Total Dissolved Solids		320	mg/L		6/9/98				Dyson
SM 2340 C	Total Hardness as CaCO3		120	mg/L		6/9/98				Dyson
4500-Norg C	Total Kjeldahl Nitrogen		<1.0	mg/L		6/22/98				Wallender
Comments:										

21D9	21D9									
19980617018	6/17/98 9:10:00 AM	6/17/98 1:14:44 PM	Sutherland	GRAB	REQUIRED	No	No	No	No	
SM 4500-P B(2), E	Acid Hydrolyzable and Reactive Phosphate as P		.82	mg/L		6/22/98				Wallender
4500-NH3 D	Ammonia as Nitrogen		.85	mg/L		6/17/98				Wallender
SM 2320 B	Bicarbonate as CaCO3		400	mg/L		6/17/98				Dyson
SM 3500-Ca.D	Calcium		120	mg/L		6/18/98				Dyson
SM 2320 B	Carbonate as CaCO3		0	mg/L		6/17/98				Dyson
4500-Cl B or 4110	Chloride		96	mg/L		6/17/98				Wallender
	Depth to Water		26.00	ft						
EPA 120.1	Electrical Conductivity or Specific Conductance (Lab)		1310	umhos/cm		6/19/98				Zenker
SM 3500-Mg E	Magnesium		85	mg/L		6/18/98				Dyson
4110	Nitrate as Nitrogen		<100	ug/L		6/17/98				Wallender
4500-NO2 B or 4110	Nitrite as Nitrogen		<100	ug/L		6/17/98				Wallender
SM 4500 H+ B	pH (measured in field)		7.05							
SM 4500 H+ B	pH (measured in the lab)		7.87			6/19/98				Zenker
SM 3111 B	Potassium		1.8	mg/L		6/19/98				Dyson
SM 3111 B	Sodium		50	mg/L		6/19/98				Dyson
SM 4500-SO4 C or 4110	Sulfate		170	mg/L		6/17/98				Wallender
	Temperature		19	°C						
SM 2320 B	Total Alkalinity as CaCO3		400	mg/L		6/17/98				Dyson
SM 2540 C	Total Dissolved Solids		890	mg/L		6/18/98				Dyson
SM 2340 C	Total Hardness as CaCO3		650	mg/L		6/18/98				Dyson
4500-Norg C	Total Kjeldahl Nitrogen		1.0	mg/L		6/22/98				Wallender
Comments:										

Sample Site	Report Routing									
	SHD	EDT	CHD	RB	Others					
Analysis Number	Collected and Received Date/Time	Sampler Name	Sample Type	Reason	Completed Date/Analyst Name					
Method	Analysis Name	Result	Units							
3R1 19971205003	12/5/97 2:55:00 PM	12/5/97 3:23:55 PM	Sutherland	GRAB	REQUIRED	No	No	No	No	
SM 4500-P B(2), E	Acid Hydrolyzable and Reactive Phosphate as P	<10	mg/L	12/2/97	Wallender					
4500-NH3 D	Ammonia as Nitrogen	<10	mg/L	12/19/97	Wallender					
SM 2320 B	Bicarbonate as CaCO3	64	mg/L	12/8/97	Dyson					
SM 3500-Ca.D	Calcium	20	mg/L	12/8/97	Dyson					
SM 2320 B	Carbonate as CaCO3	0	mg/L	12/8/97	Dyson					
4500-Cl B or 4110	Chloride	55	mg/L	12/11/97						
	Depth to Water	Not Analyzed	ft							
EPA 120.1	Electrical Conductivity or Specific Conductance (Lab)	480	umhos/cm	12/5/97	Zenker					
SM 3500-Mg E	Magnesium	16	mg/L	12/8/97	Dyson					
4110	Nitrate as Nitrogen	18000	ug/L	12/11/97	Wallender					
4500-NO2 B or 4110	Nitrite as Nitrogen	<100	ug/L	12/11/97	Wallender					
SM 4500 H+ B	pH (measured in field)	6.11								
SM 4500 H+ B	pH (measured in the lab)	Not Analyzed								
SM 3111 B	Potassium	0.73	mg/L	12/12/97	Dyson					
SM 3111 B	Sodium	48.8	mg/L	12/11/97	Dyson					
SM 4500-SO4 C or 4110	Sulfate	15	mg/L	12/11/97	Wallender					
	Temperature	17	°C							
SM 2320 B	Total Alkalinity as CaCO3	64	mg/L	12/8/97	Dyson					
SM 2540 C	Total Dissolved Solids	316	mg/L	12/8/97	Dyson					
SM 2340 C	Total Hardness as CaCO3	117	mg/L	12/8/97	Dyson					
4500-Norg C	Total Kjeldahl Nitrogen	<1.0	mg/L	12/26/97	Wallender					
	Comments:									

Sample Site	Report Routing									
	SHD	EDT	CHD	RB	Others					
Analysis Number	Collected and Received Date/Time	Sampler Name	Sample Type	Reason	Completed Date/Analyst Name					
Method	Analysis Name	Result	Units							
D9 Patague 19971204017	12/4/97 9:54:00 AM	12/4/97 2:53:51 PM	Sutherland	GRAB	REQUIRED	No	No	No	No	
SM 4500-P B(2), E	Acid Hydrolyzable and Reactive Phosphate as P	.81	mg/L	12/2/97	Wallender					
4500-NH3 D	Ammonia as Nitrogen	.77	mg/L	12/19/97	Wallender					
SM 2320 B	Bicarbonate as CaCO3	457	mg/L	12/4/97	Dyson					
SM 3500-Ca.D	Calcium	110	mg/L	12/4/97	Dyson					
SM 2320 B	Carbonate as CaCO3	0	mg/L	12/4/97	Dyson					
4500-Cl B or 4110	Chloride	100	mg/L	12/5/97	Dyson					
	Depth to Water	27.69	ft							
EPA 120.1	Electrical Conductivity or Specific Conductance (Lab)	1300	umhos/cm	12/5/97	Zenker					
SM 3500-Mg E	Magnesium	84	mg/L	12/4/97	Dyson					
4110	Nitrate as Nitrogen	<100	ug/L	12/5/97	Dyson					
4500-NO2 B or 4110	Nitrite as Nitrogen	<100	ug/L	12/5/97	Dyson					
SM 4500 H+ B	pH (measured in field)	6.71								
SM 4500 H+ B	pH (measured in the lab)	Not Analyzed								
SM 3111 B	Potassium	1.56	mg/L	12/12/97	Dyson					
SM 3111 B	Sodium	49.9	mg/L	12/11/97	Dyson					
SM 4500-SO4 C or 4110	Sulfate	150	mg/L	12/5/97	Dyson					
	Temperature	18	°C							
SM 2320 B	Total Alkalinity as CaCO3	457	mg/L	12/4/97	Dyson					
SM 2540 C	Total Dissolved Solids	944	mg/L	12/4/97	Dyson					
SM 2340 C	Total Hardness as CaCO3	621	mg/L	12/4/97	Dyson					
4500-Norg C	Total Kjeldahl Nitrogen	<1.0	mg/L	12/26/97	Wallender					
	Comments:									

Sample Site	Report Routing									
Analysis Number	Collected and Received Date/Time	Sampler Name	Sample Type	Reason	SHD	EDT	CHD	RB	Others	
Method	Analysis Name		Result	Units	Completed Date/Analyst Name					
11D9										
19970912005	9/12/97 09:15:00 AM	9/12/97 01:18:41 PM	Sutherland	GRAB	REQUIRED	No	No	No	No	Gibson
<i>Patague</i>	SM 4500-P B(2), E	Acid Hydrolyzable and Reactive Phosphate as P	.74	mg/L		10/10/97				Wallender
	4500-NH3 D	Ammonia as Nitrogen	.73	mg/L		9/29/97				Wallender
	SM 2320 B	Bicarbonate as CaCO3	448	mg/L		9/17/97				Dyson
	SM 3500-Ca.D	Calcium	107	mg/L		10/2/97				Dyson
	SM 2320 B	Carbonate as CaCO3	0	mg/L		9/17/97				Dyson
	SM 4500-Cl-B	Chloride	103	mg/L		9/17/97				Dyson
		Depth to Water	39.08	ft						
	EPA 120.1	Electrical Conductivity or Specific Conductance (Lab)	1300	umhos/cm		9/18/97				Zenker
	SM 3500-Mg E	Magnesium	83	mg/L		10/2/97				Dyson
	4500-NO3 E	Nitrate as Nitrogen	85	ug/L		9/30/97				Wallender
	4500-NO2 B	Nitrite as Nitrogen	<5.0	ug/L		9/12/97				Wallender
	SM 4500 H+ B	pH (measured in field)	7.20							
	SM 4500 H+ B	pH (measured in the lab)	Not Analyzed							
	SM 3111 B	Potassium	1.52	mg/L		9/26/97				Dyson
	SM 3111 B	Sodium	48.2	mg/L		9/26/97				Dyson
	SM 4500-SO4 C	Sulfate	143	mg/L		9/23/97				Dyson
		Temperature	17	°C						
	SM 2320 B	Total Alkalinity as CaCO3	448	mg/L		9/17/97				Dyson
	SM 2540 C	Total Dissolved Solids	988	mg/L		9/17/97				Dyson
	SM 2340 C	Total Hardness as CaCO3	610	mg/L		10/2/97				Dyson
	4500-Norg C	Total Kjeldahl Nitrogen	<1.0	mg/L		10/6/97				Wallender
	Comments:									

L3

19970910020	9/10/97 11:25:00 AM	9/10/97 03:32:09 PM	Sutherland	GRAB	REQUIRED	No	No	No	No	Gibson
	SM 4500-P B(2), E	Acid Hydrolyzable and Reactive Phosphate as P	<10	mg/L		10/10/97				Wallender
	4500-NH3 D	Ammonia as Nitrogen	<10	mg/L		9/29/97				Wallender
	SM 2320 B	Bicarbonate as CaCO3	82	mg/L		9/17/97				Dyson
	SM 3500-Ca.D	Calcium	42	mg/L		10/2/97				Dyson
	SM 2320 B	Carbonate as CaCO3	0	mg/L		9/17/97				Dyson
	SM 4500-Cl-B	Chloride	210	mg/L		9/17/97				Dyson
		Depth to Water	35.41	ft						
	EPA 120.1	Electrical Conductivity or Specific Conductance (Lab)	1000	umhos/cm		9/11/97				Zenker
	SM 3500-Mg E	Magnesium	32	mg/L		10/2/97				Dyson
	4500-NO3 E	Nitrate as Nitrogen	14000	ug/L		9/30/97				Wallender
	4500-NO2 B	Nitrite as Nitrogen	<5.0	ug/L		9/13/97				Wallender
	SM 4500 H+ B	pH (measured in field)	6.93							
	SM 4500 H+ B	pH (measured in the lab)	Not Analyzed							
	SM 3111 B	Potassium	2.45	mg/L		9/26/97				Dyson
	SM 3111 B	Sodium	96.3	mg/L		9/26/97				Dyson
	SM 4500-SO4 C	Sulfate	40	mg/L		9/23/97				Dyson
		Temperature	19	°C						
	SM 2320 B	Total Alkalinity as CaCO3	82	mg/L		9/17/97				Dyson
	SM 2540 C	Total Dissolved Solids	644	mg/L		9/16/97				Dyson
	SM 2340 C	Total Hardness as CaCO3	236	mg/L		9/23/97				Dyson
	4500-Norg C	Total Kjeldahl Nitrogen	<1.0	mg/L		10/6/97				Wallender
	Comments:									

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Sample Site					Report Routing						
	Analysis Number	Collected and Received Date/Time	Sampler Name/Sample Type	Reason	SHD	EDT	CHD	RB	Others		
	Method	Analysis Name	Result	Units	Completed Date/Analyst Name						
D9	19970306023	3/6/97 9:20:00 AM	3/6/97 3:52:26 PM	John Sutherland	GRAB	REQUIRED	No	No	No	No	G. GIBSON
	SM 4500 P B(2), E	Acid Hydrolyzable and Reactive Phosphate as P	.82	mg/L	4/1/97	Wallender, Lisa					
	4500-NH3 D	Ammonia as Nitrogen	.86	mg/L	3/17/97	Wallender, Lisa					
	SM 2320 B	Bicarbonate as CaCO3	464	mg/L	3/10/97	Dyson, Katrina					
	SM 3500-Ca.D	Calcium	110	mg/L	3/20/97	Dyson, Katrina					
	SM 2320 B	Carbonate as CaCO3	0	mg/L	3/10/97	Dyson, Katrina					
	SM 4500-Cl-.B	Chloride	106	mg/L	3/17/97	Dyson, Katrina					
		Depth to Water	23.86	ft							
		Electrical Conductivity (measured in the field)	1139	umho/cm							
	SM 3500-Mg E	Magnesium	85	mg/L	3/20/97	Dyson, Katrina					
	4500-NO3 E	Nitrate as Nitrogen	<.50	ug/L	3/17/97	Wallender, Lisa					
	4500-NO2 B	Nitrite as Nitrogen	<.50	ug/L	3/17/97	Wallender, Lisa					
	SM 4500 H+ B	pH	Not Analyzed								
		pH (measured in field)	7.51								
	SM 3111 B	Potassium	1.56	mg/L	4/2/97	Dyson, Katrina					
	SM 3111 B	Sodium	51.4	mg/L	3/18/97	Dyson, Katrina					
	EPA 120.1	Specific Conductance or Electrical Conductivity (Lab)	Not Analyzed	umhos/cm							
	SM 4500-SO4 C	Sulfate	134	mg/L	3/26/97	Dyson, Katrina					
		Temperature	18.2	°C							
	SM 2320 B	Total Alkalinity as CaCO3	464	mg/L	3/10/97	Dyson, Katrina					
	SM 2540 C	Total Dissolved Solids	854	mg/L	3/12/97	Dyson, Katrina					
	SM 2340 C	Total Hardness as CaCO3	625	mg/L	3/20/97	Dyson, Katrina					
	4500-Norg C	Total Kjeldahl Nitrogen	<.10	mg/L	4/1/97	Wallender, Lisa					

19970304077	3/4/97 1:40:00 PM	3/4/97 2:50:06 PM	John Sutherland	GRAB	REQUIRED	No	No	No	No	G. GIBSON
	SM 4500 P B(2), E	Acid Hydrolyzable and Reactive Phosphate as P	.14	mg/L	4/7/97	Wallender, Lisa				
	4500-NH3 D	Ammonia as Nitrogen	<.10	mg/L	3/17/97	Wallender, Lisa				
	SM 2320 B	Bicarbonate as CaCO3	114	mg/L	3/10/97	Dyson, Katrina				
	SM 3500-Ca.D	Calcium	29	mg/L	3/20/97	Dyson, Katrina				
	SM 2320 B	Carbonate as CaCO3	0	mg/L	3/10/97	Dyson, Katrina				
	SM 4500-Cl-.B	Chloride	135	mg/L	3/13/97	Dyson, Katrina				
		Depth to Water	33.89	ft						
		Electrical Conductivity (measured in the field)	761	umho/cm	3/4/97	Sutherland, John				
	SM 3500-Mg E	Magnesium	22	mg/L	3/20/97	Dyson, Katrina				
	4500-NO3 E	Nitrate as Nitrogen	14,000	ug/L	3/6/97	Wallender, Lisa				
	4500-NO2 B	Nitrite as Nitrogen	<.50	ug/L	3/6/97	Wallender, Lisa				
	SM 4500 H+ B	pH	Not Analyzed							
		pH (measured in field)	7.00							
	SM 3111 B	Potassium	2.17	mg/L	4/2/97	Dyson, Katrina				
	SM 3111 B	Sodium	95.0	mg/L	3/18/97	Dyson, Katrina				
	EPA 120.1	Specific Conductance or Electrical Conductivity (Lab)	Not Analyzed	umhos/cm						
	SM 4500-SO4 C	Sulfate	33	mg/L	3/25/97	Dyson, Katrina				
		Temperature	20.6	°C						
	SM 2320 B	Total Alkalinity as CaCO3	114	mg/L	3/10/97	Dyson, Katrina				
	SM 2540 C	Total Dissolved Solids	484	mg/L	3/11/97	Dyson, Katrina				
	SM 2340 C	Total Hardness as CaCO3	162	mg/L	3/20/97	Dyson, Katrina				
	4500-Norg C	Total Kjeldahl Nitrogen	<.10	mg/L		Wallender, Lisa				

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Sample Site	Analysis Number	Collected and Received Date/Time	Sampler Name	Sample Type	Reason	Report Routing					
						SHD	EDT	CHD	RB	Others	
	Method	Analysis Name			Result	Units	Completed Date/Analyst Name				
21D9	19970606002	6/5/97 9:00:00 AM	6/6/97 8:21:37 AM	Sutherland, John	GRAB	REQUIRED	No	No	No	No	G. GIBSON
	SM 4500-P B(2), E	Acid Hydrolyzable and Reactive Phosphate as P			.76	mg/L	6/10/97				Wallender, Lisa
	4500-NH3 D	Ammonia as Nitrogen			.71	mg/L	6/24/97				Wallender, Lisa
	SM 2320 B	Bicarbonate as CaCO3			466	mg/L	6/6/97				Dyson, Katrina
	SM 3500-Ca.D	Calcium			120	mg/L	6/12/97				Dyson, Katrina
	SM 2320 B	Carbonate as CaCO3			0	mg/L	6/6/97				Dyson, Katrina
	SM 4500-Cl-B	Chloride			109	mg/L	6/10/97				Dyson, Katrina
		Depth to Water			39.35	ft					
	EPA 120.1	Electrical Conductivity (measured in the field)			1400	umho/cm					
	EPA 120.1	Electrical Conductivity or Specific Conductance (Lab)			Not Analyzed	umhos/cm					
	SM 3500-Mg E	Magnesium			82	mg/L	6/12/97				Dyson, Katrina
	4500-NO3 E	Nitrate as Nitrogen			<50	ug/L	6/6/97				Wallender, Lisa
	4500-NO2 B	Nitrite as Nitrogen			<5.0	ug/L	6/6/97				Wallender, Lisa
	SM 4500 H+ B	pH (measured in field)			7.30						
	SM 4500 H+ B	pH (measured in the lab)			Not Analyzed						
	SM 3111 B	Potassium			1.53	mg/L	6/20/97				Dyson, Katrina
	SM 3111 B	Sodium			51.2	mg/L	6/17/97				Dyson, Katrina
	SM 4500-SO4 C	Sulfate			150	mg/L	6/19/97				Dyson, Katrina
		Temperature			19	°C					
	SM 2320 B	Total Alkalinity as CaCO3			466	mg/L	6/6/97				Dyson, Katrina
	SM 2540 C	Total Dissolved Solids			1030	mg/L	6/9/97				Dyson, Katrina
	SM 2340 C	Total Hardness as CaCO3			636	mg/L	6/12/97				Dyson, Katrina
	4500-Norg C	Total Kjeldahl Nitrogen			1.1	mg/L	6/23/97				Wallender, Lisa
	Comments:										

19970606003	6/5/97 9:00:00 AM	6/6/97 8:21:37 AM	Sutherland, John	GRAB	REQUIRED	No	No	No	No	G. GIBSON	
	SM 4500-P B(2), E	Acid Hydrolyzable and Reactive Phosphate as P			.32	mg/L	6/10/97				Wallender, Lisa
	4500-NH3 D	Ammonia as Nitrogen			.10	mg/L	6/24/97				Wallender, Lisa
	SM 2320 B	Bicarbonate as CaCO3			408	mg/L	6/6/97				Dyson, Katrina
	SM 3500-Ca.D	Calcium			125	mg/L	6/12/97				Dyson, Katrina
	SM 2320 B	Carbonate as CaCO3			0	mg/L	6/6/97				Dyson, Katrina
	SM 4500-Cl-B	Chloride			71	mg/L	6/10/97				Dyson, Katrina
		Depth to Water			4.83	ft					
	EPA 120.1	Electrical Conductivity (measured in the field)			10	umho/cm					
	EPA 120.1	Electrical Conductivity or Specific Conductance (Lab)			Not Analyzed	umhos/cm					
	SM 3500-Mg E	Magnesium			82	mg/L	6/12/97				Dyson, Katrina
	4500-NO3 E	Nitrate as Nitrogen			0.000	ug/L	6/6/97				Wallender, Lisa
	4500-NO2 B	Nitrite as Nitrogen			0	ug/L	6/6/97				Wallender, Lisa
	SM 4500 H+ B	pH (measured in field)			7.2						
	SM 4500 H+ B	pH (measured in the lab)			Not Analyzed						
	SM 3111 B	Potassium			1.1	mg/L	6/20/97				Dyson, Katrina
	SM 3111 B	Sodium			51.2	mg/L	6/17/97				Dyson, Katrina
	SM 4500-SO4 C	Sulfate			150	mg/L	6/19/97				Dyson, Katrina
		Temperature			19	°C					
	SM 2320 B	Total Alkalinity as CaCO3			466	mg/L	6/6/97				Dyson, Katrina
	SM 2540 C	Total Dissolved Solids			1030	mg/L	6/9/97				Dyson, Katrina
	SM 2340 C	Total Hardness as CaCO3			636	mg/L	6/12/97				Dyson, Katrina
	4500-Norg C	Total Kjeldahl Nitrogen			1.1	mg/L	6/23/97				Wallender, Lisa
	Comments:										

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COUNTY OF SAN LUIS OBISPO
 ENGINEERING DEPARTMENT
 ENVIRONMENTAL LAB

AGENCY: BAYWOOD STUDY
 LOCATION: 21D9

COLLECTED: 09/18/96
 ANALYSIS NUMBER: 26851

CONSTITUENT	RESULTS (MG/L)	CA DRINKING WATER STDS.
TEMPERATURE (DEGREES CENTIGRADE)	17.7	
PH AT 25 DEGREES CENTIGRADE	7.61	
TOTAL DISSOLVED SOLIDS AT 180 DEGREES	908	500 - 1000
SPECIFIC CONDUCTANCE AT 25 DEGREES	3650	900 - 1600
CARBONATES AS CaCO ₃	0	
BICARBONATES AS CaCO ₃	466	
TOTAL ALKALINITY AS CaCO ₃	466	
AMMONIA AS N	.87 ✓	
NITRATE AS N	<.05 ✓	10
NITRITE AS N	<.005 ✓	
TOTAL KJELDAHL NITROGEN	<1.0	
CHLORIDE	113	250 - 500
POTASSIUM	1.67	
SODIUM	50.0	
SULFATE	120	250 - 500
CALCIUM	120	
MAGNESIUM	89	
TOTAL HARDNESS AS CaCO ₃	664	
SOLUBLE REACTIVE AND ACID HYDROLYZABLE PHOSPHATE AS P	.70	
DEPTH TO WATER (FT)	40.2	

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EXHIBIT I page 10 of 19

REPORTED BY: *[Signature]*

10/20/96

COUNTY OF SAN LUIS OBISPO
ENGINEERING DEPARTMENT
ENVIRONMENTAL LAB

AGENCY: BAYWOOD STUDY
LOCATION: 21D9

COLLECTED: 06/06/96
ANALYSIS NUMBER: 26128

CONSTITUENT	RESULTS (MG/L)	CA DRINKING WATER STDS.
TEMPERATURE (DEGREES CENTIGRADE)	16.9	
pH AT 25 DEGREES CENTIGRADE	7.29	
TOTAL DISSOLVED SOLIDS AT 180 DEGREES	968	500 - 1000
SPECIFIC CONDUCTANCE AT 25 DEGREES	1181	900 - 1600
CARBONATES AS CaCO ₃	0	
BICARBONATES AS CaCO ₃	480	
TOTAL ALKALINITY AS CaCO ₃	480	
AMMONIA AS N	.84	
NITRATE AS N	.067	10
NITRITE AS N	<.005	
TOTAL KJELDAHL NITROGEN	<1.0	
CHLORIDE	107	250 - 500
POTASSIUM	1.74	
SODIUM	47.4	
SULFATE	111	250 - 500
CALCIUM	111	
MAGNESIUM	88	
TOTAL HARDNESS AS CaCO ₃	641	
SOLUBLE REACTIVE AND ACID HYDROLYZABLE PHOSPHATE AS P	.50	
DEPTH TO WATER (FT)	26.7	

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REPORTED BY: 15

COUNTY OF SAN LUIS OBISPO
 ENGINEERING DEPARTMENT
 ENVIRONMENTAL LAB

AGENCY: BAYWOOD STUDY
 LOCATION: 21D9

COLLECTED: 03/13/96
 ANALYSIS NUMBER: 25654

CONSTITUENT	RESULTS (MG/L)	CA DRINKING WATER STDS.
TEMPERATURE (DEGREES CENTIGRADE)	17.7	
pH AT 25 DEGREES CENTIGRADE	7.82	
TOTAL DISSOLVED SOLIDS AT 180 DEGREES	804	300 - 1000
SPECIFIC CONDUCTANCE AT 25 DEGREES	1130	300 - 1600
CARBONATES AS CaCO ₃	0	
BICARBONATES AS CaCO ₃	455	
TOTAL ALKALINITY AS CaCO ₃	455	
AMMONIA AS N	.84 ✓	
NITRATE AS N	<.10 ✓	10
NITRITE AS N	.0069 ✓	
TOTAL KJELDAHL NITROGEN	1.3 ✓	
CHLORIDE	120 ✓	250 - 500
POTASSIUM	1.82	
SODIUM	48.5	
SULFATE	132	250 - 500
CALCIUM	110	
MAGNESIUM	87	
TOTAL HARDNESS AS CaCO ₃	633	
SOLUBLE REACTIVE AND ACID HYDROLYZABLE PHOSPHATE AS P	1.3	
DEPTH TO WATER (FT)	17.3	

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REPORTED BY: 

COUNTY OF SAN LUIS OBISPO
ENGINEERING DEPARTMENT
ENVIRONMENTAL LAB

AGENCY: BAYWOOD STUDY
LOCATION: 21D9

COLLECTED: 09/15/95
ANALYSIS NUMBER: 24703

CONSTITUENT	RESULTS (MG/L)	CA DRINKING WATER STDS.
TEMPERATURE (DEGREES CENTIGRADE)	17.5	
pH AT 25 DEGREES CENTIGRADE	7.69	
TOTAL DISSOLVED SOLIDS AT 180 DEGREES	862	500 - 1000
SPECIFIC CONDUCTANCE AT 25 DEGREES	1170	900 - 1600
CARBONATES AS CaCO ₃	0	
BICARBONATES AS CaCO ₃	456	
TOTAL ALKALINITY AS CaCO ₃	456	
AMMONIA AS N	.81	
NITRATE AS N	0.28	10
NITRITE AS N	.0069	
TOTAL KJELDAHL NITROGEN	<1.0	
CHLORIDE	112	250 - 500
POTASSIUM	1.66	
SODIUM	47.9	
SULFATE	109	250 - 500
CALCIUM	110	
MAGNESIUM	84	
TOTAL HARDNESS AS CaCO ₃	622	
SOLUBLE REACTIVE AND ACID HYDROLYZABLE PHOSPHATE AS P	.88	
DEPTH TO WATER (FT)	26.0	

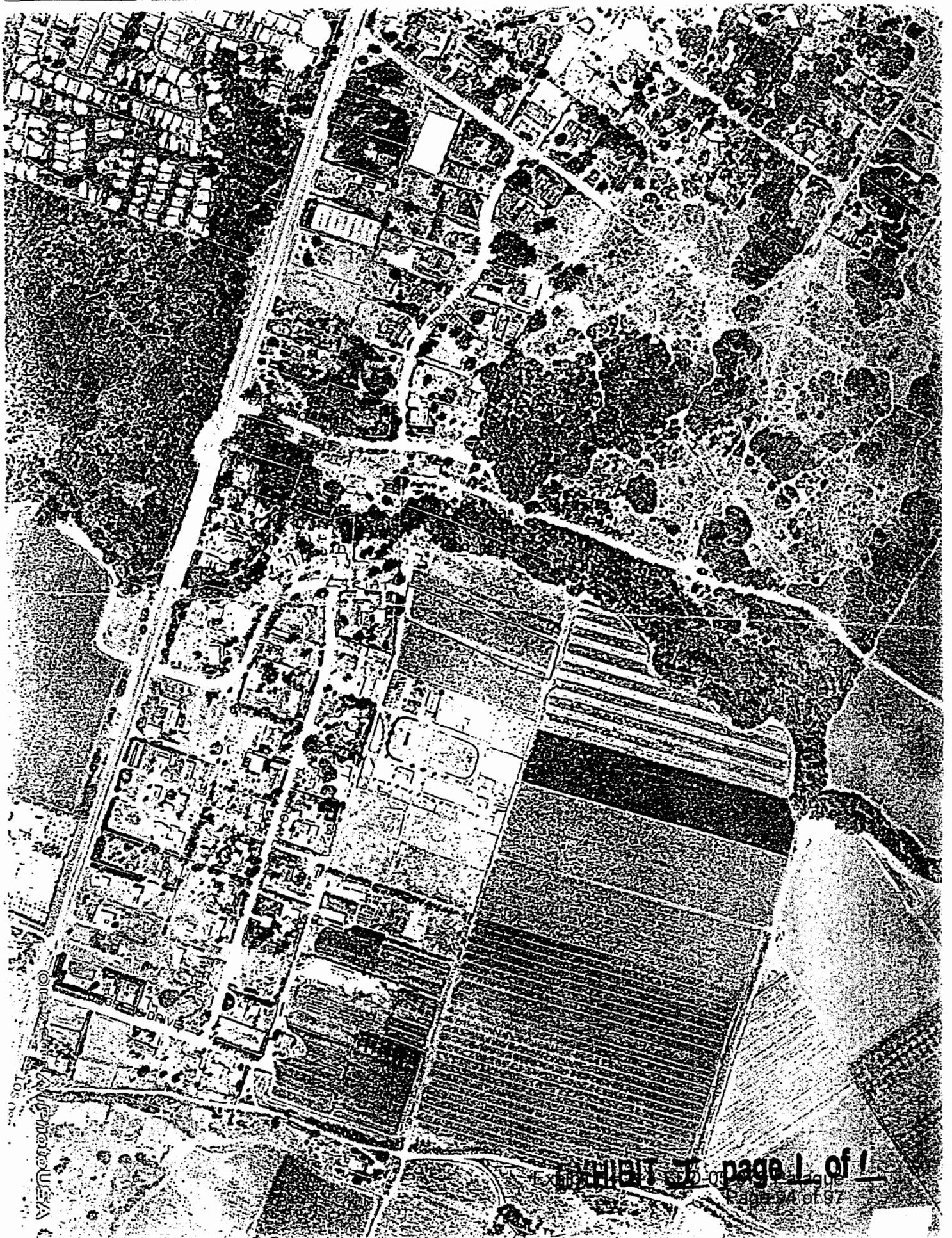


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A LAW CORPORATION

*Shaunna Sullivan / Principal
Emily Mouton / Associate*

April 19, 2007

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APR 19 2007

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dr. Charles Lester
Senior Deputy Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Via Facsimile (415)904-5400

Via Email clester@coastal.ca.gov

Dr. Charles Lester
Senior Deputy Director
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508

Via Facsimile (831)427-4877

Re: *Commission Appeal No. A-3-SLO-05-072*
Applicants: Teodora & Graciano Patague, APN # 074-222-002
Local Permit No. S030112C/CO 03-0354

Dear Dr. Lester:

We appreciate this opportunity to address the above-referenced property at this juncture of the appeal process and in preparation of the forthcoming administrative hearing. As you are aware, this firm represents Teodora & Graciano Patague, owners of real property located in the County of San Luis Obispo, California, APN# 074-222-002. On September 12, 2005, the San Luis Obispo County Subdivision Review Board issued the Patagues a Conditional Certificate of Compliance pursuant to Government Code section 66499.35(b). However, the Conditional Certificate of Compliance was subsequently appealed by the California Coastal Commission on October 14, 2005, further delaying any sale of the Patagues' property.

While we believe that Government Code §§ 66412.6(b) and 66499.35 conclusively establish that the Patagues' parcel is a legal one entitled to a certificate of compliance, the Patagues agreed to numerous conditions imposed at the local level in order to expedite and complete the administrative process. It is our understanding that Coastal Commission staff is now recommending further conditions in addition to those conditions already agreed to by the Patagues as a compromise with the County. You indicated that Coastal Commission staff is recommending requiring a larger Ag buffer zone in this residential suburban zoned area

Dr. Charles Lester
April 19, 2007
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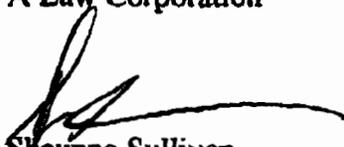
which by definition is a buffer zone to agricultural use and zoning. Pursuant to the San Luis Obispo County Agricultural Buffer Policies adopted in the Agriculture and Open Space Element in effect when this certificate was conditionally approved, the largest buffer zone which could arguably be placed on this property is 470 feet from the Patagues' northern boundary or 500 feet from the neighbor's crops. (The neighbor's parcel to the north which is zoned agricultural has a thirty foot road easement separating the Patagues' parcel from the adjacent agricultural use.) Thus, the largest Ag buffer condition under the Agriculture and Open Space Element approved and in effect when this certificate issued on September 12, 2005 could extend no more than an additional 470 feet into the Patague parcel.

On the southern end of the parcel, the County has conditioned approval of a conditional certificate of compliance on the dedication of a thirty foot (30') road right-of-way and connection to Lariat Drive. As reflected on the attached aerial, there currently exists a dirt road on the Patagues' parcel. However, the road does not extend to the southern edge of the property, but rather, it is somewhat set back from the southern property line due to vegetation. We suggest that any staff proposal conditions for additional buffer zone or building envelopes based on the location of the right-of-way should account for the present actual placement of the dirt road within the borders of the parcel.

We look forward to working with your office and the CCC and hope that resolution can be reached before the staff recommends any additional conditions, preferably before the recommendations are published and if not, before the hearing on May 9. If you have any questions or comments, please feel free to contact me.

Very truly yours,

Sullivan & Associates
A Law Corporation



Shaunna Sullivan

SLS:ejm
cc: Graciano and Teodora Patague

