

## Supplemental Development Statement

**Date: August 22, 2022**  
**To: County of SLO Planning and Building Department**  
**From: Ian McCarville, Kirk Consulting**  
**RE: Battenburg MUP for SFR (Grading Over One Acre)**

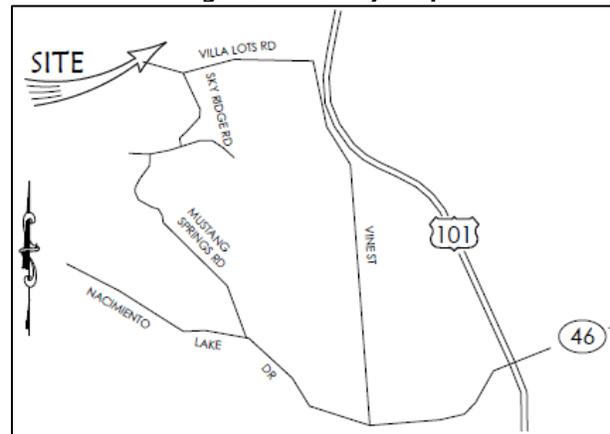
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Miranda Battenburg purchased 0 Villa Lots Road in Paso Robles, in December of 2020. The vacant parcel (APN 018-011-017) totals +/- 9.02 acres. The site is zoned Residential Rural and is within the North County Planning Area and Salinas River Sub Area.

### Background

The Final Map for Parcel Map CO 71-62 was recorded in 1971. The Battenburg project is specific to Parcel 2 of CO 71-62. The parcel map includes a reference to a buried cable and telephone pole line, and a drainage easement. The parcel has frontage on Villa Lots Road via a 25 foot 'flag'. In addition to the fee title flag, the parcel also has rights to a 15-foot-wide access easement over Parcel 3 to the east. A building permit was submitted in August 2021 (PMTR2021-01139) and voided due to a Minor Use Permit being required since the project site disturbance exceeds 1 acre.

**Figure 1. Vicinity Map**



On February 23, 2022, the County of San Luis Obispo Department of Planning and Building approved an Agricultural Offset Clearance Exemption (CON2022-00004) to authorize the planting of 4 acres of wine grapes (vineyard) on the project site. The approved vineyard will be located in front of the proposed residence and access road and is expected to be planted in early September 2022. See attached CON2022-00004 approval letter for more details.

### Proposed Project

The project is a Minor Use Permit and Variance to construct a 3,216-square-foot one-story single-family residence and a new driveway on slopes in excess of 30%. The project will result in a total of 2.03 acres of site disturbance. Grading activities will support the following residential and residential accessory uses: a 3,216 sq. ft. one-story residence, 1,125 sq. ft. garage, 144 sq. ft. covered porch, 1,728 sq. ft. entry courtyard, 1,523 sq. ft. patio, 160 sq. ft. pool, 100 sq. ft. tower porch, and two 5,000-gallon water tanks. No trees are proposed for removal.

Per Table 2-2 of the County Land Use Ordinance, a single-family dwelling in the Residential Rural Land Use Category is an Allowed Use (A-1) subject to the permit requirements outlined in Table 2-3. Per Table 2-3, based on the amount of site disturbance of more than 1 acre, the project is subject to a Minor Use Permit. The project will result in a total of 2.03 acres of site disturbance and a total cut of 7083 CY and a total fill of 7091 CY.

A Variance is generally used to authorize land uses other than those normally identified as allowable in a particular land use category subject to conditions and findings. For this particular application, grading is limited to slopes of less than 30 percent, except where a Variance is obtained pursuant to Section 22.62.070 as defined by the Land Use Ordinance (Title 22). A Variance may be conditionally approved by the Planning Commission only where it can be demonstrated that the Variance does not constitute a grant of special privileges, there are special circumstances applicable to the property, does not authorize a use that is not otherwise authorized in the land use category, and does not adversely affect public health or safety. For additional details, these findings are further described in this Supplemental Development Statement under "Ordinance Consistency".

#### Access

The main access to Villa Lots Road, a private road, is from Wild Rose Lane from Vine Street located roughly 1.5 miles from the Highway 101 Spring Street exit. There will be a new 16-foot-wide paved driveway that will lead to the proposed residential building site. Construction of the driveway will require the installation of a culvert and drain inlets. The driveway will be located within the flag portion of the lot as well as the 15-foot easement along the westerly edge of Parcel 3 (APN 018-011-015). Max existing slope where grading will occur for the driveway is 35%. See Sheet C3.0 of the Grading Plan for more information on existing slopes within the site.

#### Encroachment off Villa Lots Road

Once initial approval/review has been made by the Planning Department an Encroachment Permit Application will be filed with the County Public Works Department for the proposed encroachment off Villa Lots Road for the driveway.

#### Grading Permit Earth Work Quantities

Cut: 7,083 CY

Fill: 7,091 CY

Total Area Site Disturbance: 2.03

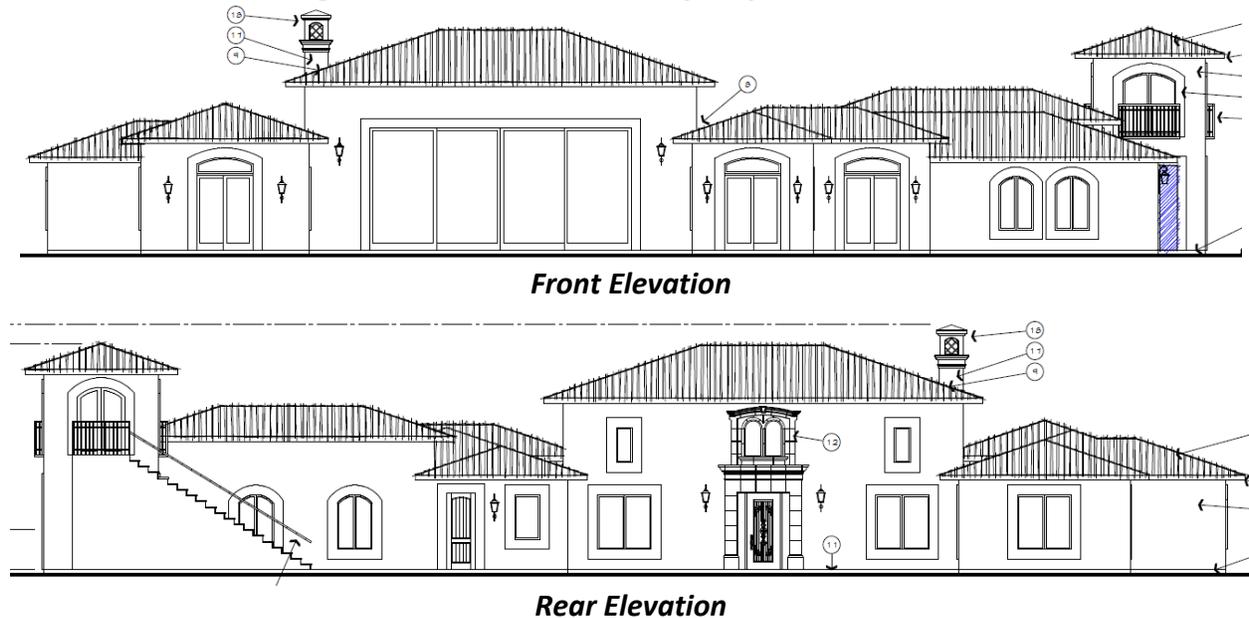
Impervious Surface Area: 27,135 sq. ft.

No grading is proposed within the vineyard area as a part of this application. All grading for the vineyard area will occur under CON2022-00004.

### Visual Impacts

The portion of the parcel where the residence is proposed falls within the Highway Corridor Design Standards outlined in LUO Section 22.10.095; a Visual Analysis has been prepared that details the proposed residence's design and visibility from Highway 101. The new residence will have a French provincial style with symmetrical proportions and a steep roof with a tower. The proposed maximum building height is 21'3".

**Figure 2. Exterior Elevations of Proposed Residence**



### Cal Fire Requirements

The proposed driveway leading to the garage and residence as identified on the proposed plans reflect Cal Fire requirements for residential access standards and required fire turnaround area. The proposed project includes installation of a new entrance gate at the access point off of Villa Lots Road. The entrance gate will meet Cal Fire setback requirements of 30 feet from the edge of the roadway and it will open to allow a vehicle to stop without obstructing traffic on Villa Lots Road. If the gate is electric, it will include a Knox box with a switch.

### Soils

Grading for the proposed driveway, house pad, garage pad, pool and terrace shall comply with the recommendations of the Geotechnical Report dated 12/30/20 prepared by Beacon Geotechnical, Inc.

### Biological Impacts

The proposed project will result in a total area of disturbance of approximately 2.03 acres with 7,083 CY of cut and 7,091 CY of fill which is associated with the new access road and residence. An undefined drainage transects the lower portion of parcel; coordination with applicable State

agencies will be required to ensure compliance with State agency permit requirements (i.e. CDFW, RWQCB). The property falls within the habitat range for San Joaquin Kit Fox thus it is expected that the project will be conditioned to complete a preconstruction survey, educational instruction for project workers and other preventative measures to reduce potential impacts to San Joaquin Kit Fox in addition to paying an in-lieu fee.

#### Water

There is one existing well on the site which will serve the new single-family residence and approximately 19,030 square feet of landscaping (5% of the site area). Two new 5,000-gallon water tanks will be located at the northwestern corner of the property, upslope from the residence. The project will implement water conservation measures including low-flow fixtures, showers, toilets. The parcel is located within the Paso Groundwater Basin, but not within the new Paso Basin Area of Severe Decline. The estimated water demand for the new residence is 300 gallons per day; the estimated water demand for the new landscaping is 223 gallons per day or 0.25 acre-feet per year (AFY), well below the maximum allowance of 0.55 AFY for residential areas. Per LUO Section 22.94.025 - Paso Robles Groundwater Basin, the project will be conditioned to offset new water use through verifiable evidence or participation in an approved county water conservation program.

#### Stormwater

A Storm Water Pollution Prevention Plan (SWPPP) has been prepared by La Firma Inc. (June 2022) and will be uploaded onto RWQCB's SMART program and a WDID# will be assigned to the project. This project is located outside of a stormwater management area therefore does not require a stormwater control plan (SWCP).

#### Erosion Control

Erosion and Sediment Control Best Management Practices will be in place and functional during construction activities per the Erosion Control Plans attached. All disturbed areas shall be hydro seeded or planted with an approved erosion control vegetation as soon as practical.

#### APCD

Dust control is to be maintained at all times during construction. See Dust Control Notes on Sheet C2.0 of the Grading Plan.

#### Energy

Per the San Luis Obispo County Green Building Ordinance, the single-family residence received a third-party verification Green Point Rating of 78 (see the checklist attached and on Sheet T2.1 of the Plan Set). The project will implement the following energy conservation measures:

- Insulated hot water pipes
- Efficient appliances (dishwasher, dryer, washer, recycling and solar dryer/laundry line)
- Efficient lighting

### Concurrent Processing

The applicant would like to request that the Building Permit for the residence is processed concurrently with the Minor Use Permit. The Building Permit submittal package will be submitted once the Environmental Hold is lifted by Planning.

### Ordinance Consistency

#### **22.94.080 - Salinas River Sub-Area Standards**

**B. Planning impact areas.** The following standards apply within the planning impact areas of the cities of Paso Robles and Atascadero, shown in Figures 94-34 and 94-35. These areas are not intended to be considered as a basis for annexation or establishing spheres of influence.

1. **Application referral.** Discretionary permit, General Plan Amendment and Ordinance Amendment applications shall be referred to the cities of El Paso de Robles or Atascadero, as applicable, for review and comment prior to approval.
2. **Development impacts.** Discretionary projects with potential impacts that are associated with and that include, but are not limited to, water quantity and quality, drainage, erosion and sedimentation, traffic and circulation and cumulative impacts, shall be addressed as subjects for additional review as part of the environmental review process.
3. **Consistency with City Plans.** Improvements and/or offers of dedication consistent with City plans shall be considered and may be required for projects depending on the location, scale of the proposed development and an appropriate and feasible connection between the proposed development and the improvement.

*RESPONSE: The parcel is located within the Figure 94-35 Paso Robles Planning Impact Area.*

#### **22.10.095 – Highway Corridor Design Standards**

**B. Salinas River Highway Corridor Design Standards.** The purpose of the highway corridor design standards is to provide public views of:

1. Scenic vistas and backdrops containing varied topography including ridgelines and rock features,
2. Significant stands of trees and wildflowers, and
3. Natural landmarks, historic buildings and pastoral settings.

The following standards are intended to expedite the permit process for projects which maintain scenic views and the rural character along portions of Highways 41 and 101, while providing opportunities to use other design solutions through a discretionary review process to achieve scenic goals. Only residential structures, residential accessory buildings, residential access roads, specified agricultural accessory buildings and signs are governed by these standards. All other uses and

structures, such as agricultural roads and nursery specialties, are not subject to the following process.

The following standards also apply to certain hillside and hilltop locations on the east and west sides of those highways that have been determined to contain particular scenic value, as shown in Figures 10-4 through 10-15.

*RESPONSE: The parcel is located within the Figure 10-6: Area 2 -Wellsona – Highway Corridor Design Standards.*

**2. Zoning Clearance requirements.** Zoning Clearance applications for sites within or partially within the highway corridors shown in Figures 10-4 through 10-15 shall comply with the following, in addition to other applicable standards:

**a. Site visit required.** The Zoning Clearance application shall be subject to two site visits; one during the time of application review to confirm that conditions on the site correspond to information provided in the application, and the other prior to final building inspection to confirm that the building and site improvements agree with the approved plan. (Planting of required landscaping improvements may be delayed up to 90 days after final building inspection when installation is guaranteed by bond.)

*RESPONSE: The applicant understands and agrees to the required site visits. A site visit was conducted on December 2, 2021, with Cassidy McSurdy, County of SLO Planning, and Jessica Miller, Kirk Consulting.*

**b. Exemption.** An exemption from Subsections H.2.c through H.2.i may be granted if documentation is provided that the project will not be visible from the applicable highway corridor. Such documentation shall at minimum provide topographic contours (referenced to sea level), and building elevations with preliminary grading and building plans. A visual analysis of the project's location may be useful to facilitate a decision. If conformance with these standards would unavoidably impact a biological habitat, the Director may waive the applicable standard.

*RESPONSE: The project includes a request for an exemption from Subsection H.2.g & h. A Visual Analysis was prepared by Kirk Consulting that details the general lack of visibility of the property from Highway 101; see attached.*

**c. Highway setback.** Where possible, residential buildings, residential accessory structures, and agricultural accessory structures larger than 600 square feet with the features described in Subsection H.1, shall be set back 100 feet from the applicable highway right-of-way as shown in Figure 10-16. If there is no feasible development area outside this setback, the project shall be located on the rear half of the property and shall provide a landscaping screen of fast, or moderately fast, growing plant material to provide 80 percent coverage at plant maturity. A landscaping plan per Chapter 22.16 shall be provided with the Building Permit application.

*RESPONSE: The proposed residential building is setback +/- 3,600 feet from Highway 101, far exceeding this requirement.*

- d. Ridgetop development.** Structures within the corridor boundaries shall be located so they are not silhouetted against the sky, as illustrated in Figure 10-17.

*RESPONSE: The proposed residential building is situated into the hillside and will not silhouette against the skyline.*

- e. Slope limitation.** Grading for structures and roads is encouraged to be located on slopes less than 20 percent, as shown in Figure 10-18. Zoning Clearance is required for development on slopes of 20 percent or less, and Minor Use Permit on slopes greater than 20 percent.

*RESPONSE: Max slope where grading will occur will be 35%, therefore a Minor Use Permit / Variance is required.*

- f. Landmark features.** Grading and placement of structures shall occur at least 150 feet from any significant rock outcrop or geologic feature, as illustrated in Figure 10-19.

*RESPONSE: The parcel does not contain any rock outcrop or geologic features, refer to the Geotechnical Report dated 12/30/20 prepared by Beacon Geotechnical, Inc.*

- g. Building height and color.** Maximum building height is 25 feet above natural grade, as shown in Figure 10-20. This height limit may be increased an additional five feet for agricultural accessory buildings subject to an adjustment as provided in Section 22.01.044 subject to a visual study that supports a finding that buildings will have appropriate forms to minimize their visual impact on surrounding properties and Highway 101. The additional height shall be for architectural features such as cupolas or gabled vents on no more than one-third the length of any building. Building color other than trim shall be similar to surrounding natural colors and no brighter than 6 in chroma and value on the Munsell Color Scale on file in the Department.

*RESPONSE: The proposed maximum building height is 21'3" in compliance with this standard.*

- h. Landscaping.** A landscaping plan is required in compliance with Chapter 22.16, and shall ensure at least 50 percent screening of the structure at plant maturity, as shown in Figure 10-21. Landscaping shall include mitigation planting or seeding to cover and screen visible graded cut and fill areas in compliance with Chapter 22.16.

*RESPONSE: The Revised Plan Set dated March 15, 2022 includes a landscape plan. The landscape plan proposed to layer the property with vegetation in the area of disturbance. The landscaping plan includes olive trees lining the driveway, erosion control ground covers on the graded slope, oak and fig trees around the residence, large screening shrubs (toyon and California lilac), medium height shrubs, and low ground covers (lavender, jasmine, etc.).*

- i. Biological habitats.** Development shall be designed and located to minimize adverse impacts to important biological resources in conforming with these standards. If there is a conflict between biological resources and these standards, protecting the biological resources takes precedence.

*RESPONSE: The proposed single-family residence is located +/- 389 feet from the undefined drainage that transects the lower portion of parcel, and the project has been designed to minimize impacts to the extent feasible. Our office will coordinate with applicable state agencies to ensure compliance with any potential impacts from the proposed development. The property falls within the habitat range for San Joaquin Kit Fox thus it is expected that the project will be conditioned to complete a preconstruction survey, educational instruction for project workers and other preventative measures to reduce potential impacts to San Joaquin Kit Fox in addition to paying an in-lieu fee.*

*The Biological Resources Assessment completed by Terra Verde (June 2022) identified suitable habitat for four special-status wildlife species and nesting migratory bird species: The Monterey Dusk-footed Woodrat, American Badger, Northern California Legless Lizard, and the California Horned Lark. The report includes the following mitigation measures to address impacts to these Special-status wildlife species: pre-construction surveys for American Badger, surveys and monitoring for Northern California Legless Lizard, preconstruction survey and avoidance measures for nesting birds, and general site maintenance and operational measures. Implementation of these recommended measures will reduce impacts to sensitive special-status wildlife species to a less than significant level.*

*The Biological Resources Assessment also identified four special-status botanical species as having suitable habitat onsite during an appropriately timed field survey on April 14, 2022, although none of these species were identified in the survey area (with the exception of oak trees). These special status species consisted of the Douglas' Fiddleneck, Dwarf Calycadenia, Small-flowered Morning-glory, and the San Benito Poppy. Individual oak trees were also identified within the project site, which is considered a sensitive resource by the State of California and the County of San Luis Obispo. The report includes the following mitigation measures to address impacts to these Special-status botanical species: General site maintenance and operations to minimize impacts during active construction and avoidance and minimization of impacts to Oak Trees. Implementation of these recommended measures will reduce impacts to sensitive special-status botanical species to a less than significant level.*

## **22.62.070 – Variances**

A Variance may be granted only when the Commission first determines that the Variance satisfies the criteria in Government Code Section 65906 by findings that:

- a. The Variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use category in which the property is situated.

*RESPONSE: Approving the Variance would allow the Applicant to develop their property with a single-family residence and residential accessory uses which is consistent with other properties in the vicinity and in the same land use category developed with the same residential density, topography, and resource constraints.*

- b. There are special circumstances applicable to the property, related only to size, shape, topography, location, or surroundings, and because of these circumstances, the strict application of this Title would deprive the property of privileges enjoyed by other property in the vicinity that is in the same land use category.

*RESPONSE: The average slope across the site is estimated at 11%; however, a new road will need to be developed to access the proposed building area. The proposed driveway will be constructed on slopes of up to 35%. Alternative driveway design options were explored, however, grading on slopes of 30%+ slopes would be unavoidable (see Slope Map on Sheet C3.0 of the Grading Plan). The proposed driveway will be improved and engineered to meet Public Works and Cal Fire Standards and has been designed to limit impacts to the onsite drainage and result in the least amount of ground disturbance. The strict application of the Land Use Ordinance without the application of the Variance would result in the inability to construct the driveway and thereby restrict development of the site. A Variance is required based on the steep topography of the site.*

- c. The Variance does not authorize a use that is not otherwise authorized in the land use category.

*RESPONSE: The proposed development is an A1 Allowable Use within the Rural Lands land use category and is subject to the project-based permit requirements of Table 2-3. The request for the Variance to allow grading on slopes in excess of 30% does not authorize a use (single-family residence and residential accessory structures) that is not otherwise authorized in the land use category.*

- d. The granting of the Variance does not, under the circumstances and conditions applied in the particular case, adversely affect public health or safety, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements.

*RESPONSE: Approving the Variance will not adversely affect public health or safety, and is not materially detrimental to the public welfare, nor injurious to nearby property or improvements because the proposed development and grading will be designed and engineered to be consistent with Public Works and Cal Fire standards. It is not anticipated to impact the general public welfare and the siting of development is located in a way to reduce impacts to nearby properties and their improvements.*