



**Additional Information Submitted by the Applicant for the Willow Creek
Appeal-BOS Agenda-June 2nd**

Holly Phipps to: cr_board_clerk Clerk Recorder

05/29/2015 02:18 PM

Bruce Gibson, Frank Mecham, Adam Hill, Debbie Arnold, Lynn
Cc: Compton, Cherie McKee, Vicki Shelby, Hannah Miller, Jocelyn
Brennan, Bill Robeson, Steve McMasters

Hello,

I just received the attached information from the applicant. This item is scheduled on your June 2nd Board of Supervisors Agenda.

Please let me know if you have any questions.

Thank You,

Holly Phipps

Holly Phipps, MCRP
North County & Winery Planner



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----- Forwarded by Holly Phipps/Planning/COSLO on 05/29/2015 02:10 PM -----

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Date: 05/29/2015 11:45 AM
Subject: Pasolivo

Holly et al,

Attached are the following documents for the Pasolivo Minor Use Permit DRC 2013-00028.

Agenda Item No: 33 • Meeting Date: June 2, 2015
Presented By: Jamie Kirk
Rec'd prior to the meeting & posted on: June 01, 2015

- Supplemental Sound Level Assessment prepared by David Lord
- Response Memorandum prepared by LSA

The Supplemental Sound Level Assessment was prepared for two reasons:

- The first reason was to verify that the conclusions provided in the original Acoustical Analysis prepared by David Dubbink are accurate. The Dubbink Report took sound measurements on a Wednesday and the David Lord Report conducted sound measurements on a Friday / Saturday in order to reflect a more accurate sound environment as that is when a temporary events would likely occur. David Lord's analysis verifies that the conclusion of the Dubbink Report
- The second reason we enlisted the services of David Lord was that after the Dubbink Report was prepared and the project was approved at the Planning Department Hearing the Keep our Mountains Quiet v County of Santa Clara case was published. This case included a discussion about potential Noise Impacts under CEQA and the types of activities that should be included in the Sound modeling. We wanted to ensure that our analysis included the appropriate sound components (i.e. crowd noise). David Lord incorporated crowd related noise and transportation related noise into his modeling. Again, David Lord's analysis verifies that the conclusion of the Dubbink Report are accurate

We would recommend that the County include a condition of approval to reflect the assumptions that were used in both reports to ensure future Temporary Event activities will comply with the County's Exterior Noise Level Standards. The condition would require that the sound level as measured 20 feet from the speakers does not exceed 75dB.

The Response Memorandum prepared by LSA was intended to respond to Declarations submitted for Case No. 15CVP-0093 relative to the barn. The Response document responds to statements included in the declarations and does not alter the conclusions contained in the original Historical Assessment. The barn is not eligible for inclusion in the California Register due to a lack of

significant historical associations and is not a historical resource as defined at California Public Resources Code (PRC) Section 21084.1

Jamie Kirk

President

KIRK CONSULTING |

| Atascadero, CA 93422 |



David Lord - Acoustical Analysis.pdf



LSA Pasolivo Barn Response Memorandum_(5 28 2015).pdf

Sound Level Assessment for

**Pasolivo
8530 Vineyard Dr.
Paso Robles, CA**

May 28, 2015

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**Sound Level Assessment for
Pasolivo
8530 Vineyard Dr.
Paso Robles, CA**

1.0 Introduction

The goal of this Sound Level Assessment is to evaluate potential sound levels from a specified number of proposed events with outdoor amplified music as part of a temporary events program. Proposed are 20 events annually with up to 200 guests each. The events would be related to the primary use of the site: olive oil processing. The County of San Luis Obispo Land Use Ordinance defines permitted noise levels during daytime hours from 7 am to 10 pm. The applicant requests a permit to have outdoor amplified music during these hours.

This Sound Level Assessment verifies that the outdoor amplified music and all other activities associated with each event shall not exceed an hourly average sound level of LEQ = 50 dBA at the property line, nor shall the sound level exceed a maximum of 70 dBA at the property line. The primary ambient noise source is normal agricultural operations with transportation noise from Vineyard Drive at the west side of the site and internal driveways on the site. There is minor additional stationary noise from small stationary equipment operating near the olive oil tasting room building parking area along with arrivals and departures of visitors. There are other rural noise sources such as barking dogs, wildlife sounds, and landscaping and external rural agricultural activities contributing to the ambient soundscape. See the Appendix for definitions, procedures and protocols for sound level measurements used in this study.

2.0 Events Description

The proposed use will include a special events program with 20 events annually each with up to 200 attendees. Acoustic modeling of sound levels from typical ‘worst case’ events are shown, with outdoor amplified music after 10 am, but not later than 9 pm.

3.0 Noise Criteria

The maximum noise level standard in the Land Use Ordinance is described in the following statement, and the table shown below:

“ No person shall create any noise or allow the creation of any noise at any location within the unincorporated areas of the county on property owned, leased, occupied or otherwise controlled by such person which causes the exterior noise level when measured at any of the preceding noise-sensitive land uses situated in either the incorporated or unincorporated areas to exceed the noise level standards in the following table. When the receiving noise-sensitive land use is outdoor sports and recreation, the following noise level standards shall be increased by 10dB.

Maximum Allowed Exterior Noise Level Standards		
Sound levels	Daytime 7 a.m. to 10 p.m.	Nighttime (1) 10 p.m. to 7 a.m.
Hourly Equivalent Sound Level (L_{eq} , dB)	50	45
Maximum level, dB	70	65

3.1 Noise Assessment Metrics

Community ambient sound levels generally vary with time. Under conditions of non-steady-state noise, statistical metrics aid in quantifying human response to noise. Based on scientific observation, it has been concluded that the potential for noise to impact people is dependent on the total acoustical energy content of the noise. Several rating scales have been developed for the analysis of adverse effects of community noise on people.

The description, analysis and reporting of community noise levels in communities is made difficult by the complexity of human response to noise and by the variety of noise metrics that have been developed for describing noise impacts. Each of these metrics attempts to quantify sound levels with respect to community response. Most of these metrics use the A-weighted sound level to quantify noise impacts on humans. A-weighting is a frequency correction that correlates the overall sound pressure levels with the frequency response of the human ear (see Appendix for further definitions). Sound level metrics can be divided into two categories: single event and cumulative. Single event metrics describe the short-term sound level from an individual event such as an aircraft flyover or perhaps a motorcycle pass-by. Cumulative metrics average the total sound level over a longer specific time period, which is typically one

hour up to 24-hours for community noise descriptions. For the current study, cumulative noise metrics are appropriately utilized.

3.2 Cumulative Noise Metrics

Rating scales for measurement of community noise account for: (1) the parameters of sound levels that have been shown to contribute to health effects; (2) the variety of sounds and noises found in the environment; (3) the variations in sound levels that occur as a person moves through the environment, and; (4) the variations associated with the time of day. Each rating scale measures the total acoustical energy content of the sound. The sound level scale used in this report is the Equivalent Sound Level (LEQ) for daytime hours from 7 a.m. to 10 p.m. The LEQ is the sound level corresponding to a steady-state sound level containing the same total energy as a time-varying signal over the given sample period. LEQ is therefore the “energy” average sound level during the time period of the sample.

In community noise assessment, changes in sound levels greater than 3 dB are often identified as significant, while changes less than 1 dB will not be discernible to local residents. In the range of 1 to 3 dB, some residents who are very sensitive to noise may perceive a slight change in noise level. In a community noise setting, changes in sound levels may occur over years, and may escape immediate comparison. Therefore, the level at which changes in community noise levels become discernible is likely to be some value greater than 1 dB. Three dB is customarily accepted by planning agencies in California as the significance threshold in planning for new development. It should be noted that the mere audibility of sound by a sensitive receptor does not necessarily indicate non-compliance with noise standards.

4.0 Ambient Sound Environment

The existing ambient sound environment on the Pasolivo site was measured on Friday and Saturday afternoons, May 15 and May 16, 2015. Proposed future activities, using data from previous and comparable event measurements, are acoustically modeled and added to existing ambient sound levels. Existing ambient sound levels were measured in the Southwest corner of the property in the vicinity of Phase II and Phase III proposed improvements. A continuous series of individual on-site sound level measurements were made, each over a total running time period of one hour, to determine the typical daytime ambient sound level. An LEQ value, which represents ambient sound level was derived from the measurements (see Appendix for definitions). A Larson Davis model 820 Type I, integrating, recording sound level meter, accurate to 1 dBA was used for all measurements. The sound level meter was calibrated before and after all measurement sessions. Wind speed data during the period of the sound level measurements

were taken locally. The wind speed did not exceed ten m.p.h. at any time during the sound level measurement period. A three-inch foam windscreen was used to guard against microphone wind noise at all times.

The daytime average LEQ ambient sound level was found to range from LEQ = 42 dBA to LEQ = 48 dBA across the site. The measured sound level values are used to calibrate the computer-generated sound level contours for the entire site. The existing sound level environment and future impacts of the proposed use were determined by means of the sound measurement survey and computer modeling overlays of the various proposed amplified music activities relevant to this study.

5.0 Proposed Use

Events at the two proposed areas--one outdoors and one indoors--within and near to the proposed future barn may utilize sound amplifying equipment that would have the potential to generate sound levels greater than existing ambient sound levels. Sound levels generated by sound amplifying equipment may vary by the type of event, as well as by the type and power of amplifying equipment. Sound power levels are continuously variable and are controlled by the operator or event manager. This sound level assessment study defines the sound power level permissible in order to comply with the County Noise Ordinance

Thus, the sound power level predicted in this study that would be generated by sound amplifying equipment used for events, is shown to comply with County limits to sound levels at the nearby property lines of Pasolivo. Sound levels are predicted for future conditions, and can also be readily measured at any time during any portion of an event. The amplifying equipment shall comply with the following requirements:

- 1) The only amplified sounds permitted shall be either music or human speech, or both.
- 2) Outdoor operation of sound amplifying equipment shall only occur between the hours of 10:00 am to 9:00 pm.
- 3) Average sound level emanating from sound amplifying equipment shall not exceed an energy average of LEQ = 50 decibels at any property line of Pasolivo. Maximum instantaneous sound level shall never exceed 70 dB at any property line of Pasolivo.
- 4) In any case, the sound level shall be so controlled that it will not be unreasonably loud, raucous, jarring, disturbing, or a nuisance to reasonable persons of normal sensitiveness within the area of audibility. Proposed events in the above-mentioned two areas may consist of

gatherings such as small weddings with no more than 200 participants. The proposed event areas would not host large concerts or other events that would generate substantial crowd noise.

The sound of the crowd from the proposed gatherings and events would generally be limited to normal conversation levels before, during and after events, with possible occasional cheering or clapping during events. Noise levels from conversation in the proposed barn building during parties may be higher than average conversation sound levels due to simultaneous conversations, however these sounds would be generally contained within the proposed barn building. Due to the limited audience capacity and the intimate nature of the gatherings held at the areas in and near the proposed barn, periodic cheering or clapping would not expose noise sensitive land uses to excessive noise levels.

Assuming that conversation sound levels may be twice as loud as normal conversation (which is 68 dBA at 3 feet), crowd sound level from within the proposed barn building and near to the barn would not exceed LEQ = 50 dBA at the nearest property line shared with potential noise sensitive land uses, even if sound levels were only partially attenuated by the proposed barn building (e.g., windows and doors left open).

6.0 Amplified Music

Potential sound levels from events that incorporate amplified music were evaluated by acoustic modeling with 200 attendees, at the two different proposed sites. Acoustic modeling accuracy has been verified by measurement and observation of several live amplified music events in comparable noise studies at the Bianchi Winery, the Edna Valley Winery, and Opolo Vineyards. The assumptions for the amplified music activities are that they will occur during “daytime hours”, not later than 9 pm and not earlier than 10 a.m. The location and output direction and sound level of the amplified music speakers is to be controlled with reference to the property boundaries of the site.

Amplified music varies in sound level and there are customary pauses between musical pieces and performances. The “worst-case” average sound levels at a given distance from the loudspeakers are shown in each of the illustrative exhibits. These conditions will ordinarily result in an average LEQ sound level that does not exceed the County standard at the boundary of the property. The resulting sound levels do not exceed LEQ 1 hour = 50 dBA at any point at the property boundary.

The nearest existing residential sensitive receptor in the vicinity is located over 100 feet from the boundary line and over 350 feet from the proposed amplified music activity area. A

second residence is currently under construction on the adjacent property. The future residence is +/- 600 feet from the property line and over 900 feet from the outdoor amplified music area. The propagation of proposed amplified music sound levels toward this potential sensitive receptor fades to insignificance as shown in “Figure 4. Existing Ambient Line-of-Sight Analysis” on page 12.

7.0 Discussion and Conclusion

Ambient sound level measurements and computer modeling of two different conditions and locations reveals that exterior sound levels during the specified daytime hours will result in an average sound level that does not exceed LEQ 1 hour = 50 dB along nearby property boundaries. The proposed project sound levels shown in this report have a less-than-significant impact with respect to the California Environmental Quality Act in the following ways:

- (a) The temporary increase in sound level does not result in exposure to noise levels that exceed County noise element thresholds outside the property boundaries.
- (b) The proposed project temporary increase in sound level does not generate permanent increases in the ambient noise levels in the surrounding vicinity.
- (c) The proposed project sound levels do not expose sensitive receptors in the project vicinity to a significant temporary or periodic increase in ambient noise.
- (d) The proposed sound levels do not expose people to severe noise or vibration.

The proposed Pasolivo event program does not result in a significant noise impact under CEQA and the proposed project complies with the Exterior Noise Level Standards contained in the County’s Land Use Ordinance. Therefore, further noise mitigation is not required.

by David Lord, May 28, 2015

Figure 1. Site Plan: Ambient Sound Level

Major site elements are shown for existing and future site. Ambient, existing sound level contours (LEQ 1 hour = dBA) are shown, based on measured values. See text for details of ambient sound level measurement.

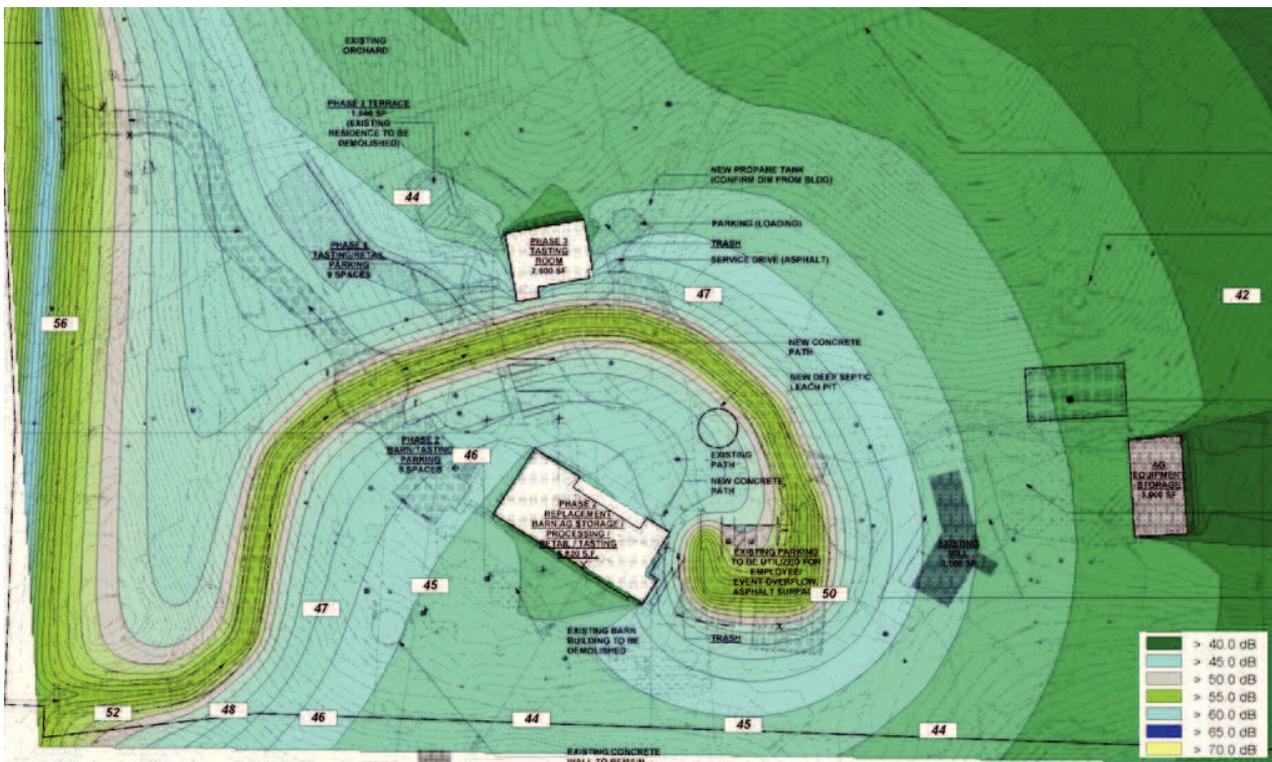


Figure 2. Existing Ambient Plus Future Daytime Event, Barn Interior

Sound Level Contours, LEQ = dBA. Sound levels for ambient sound level plus future proposed outdoor amplified music with maximum 200 attendees Sound Levels from the event at all property boundaries are less than LEQ 1 hour = 50 dBA.

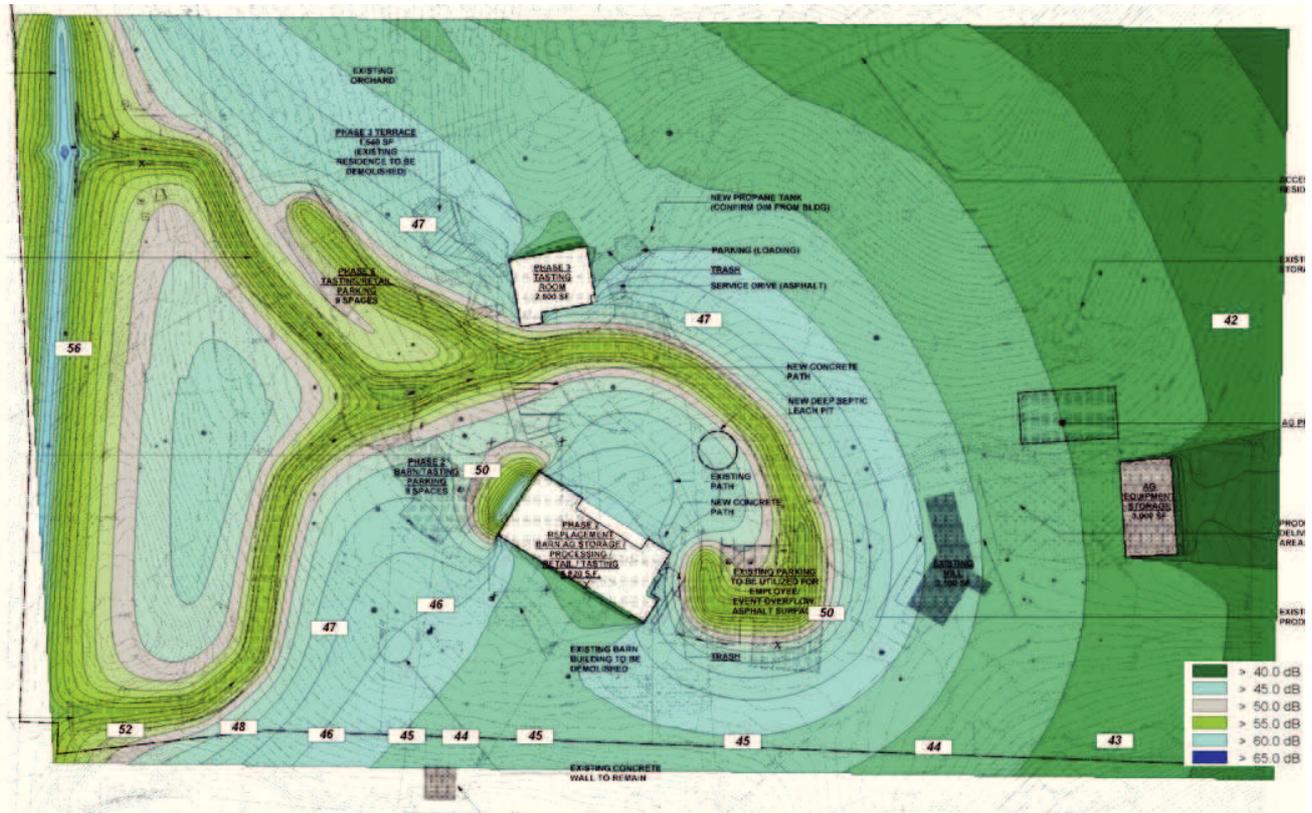


Figure 4. Existing Ambient Line-of-Sight Analysis

Sound Level Contours, LEQ = dBA. This figure includes proposed area for activities at left and potential receptor area located to the south of the event area (right side of figure). Sound levels are measured ambient sound level plus assumed ambient level on neighboring property. Ambient Sound Levels average LEQ 1 hour = 44 - 45 dBA.

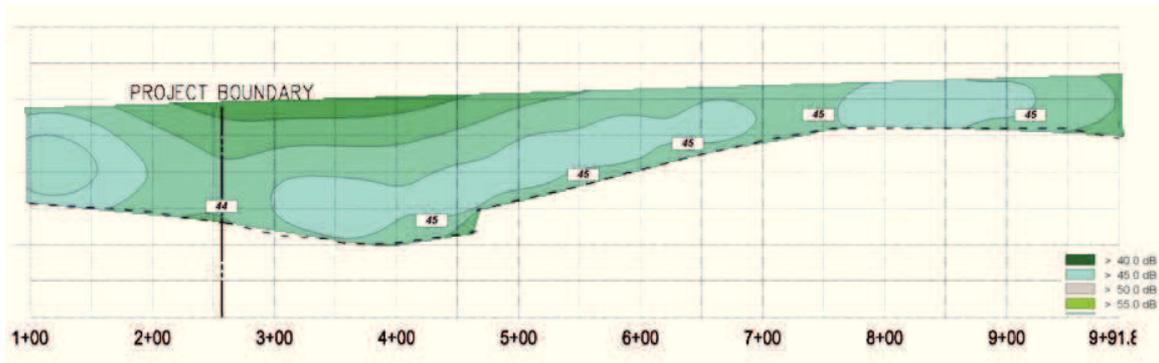


Figure 5. Existing Ambient Plus Proposed Activity Line-of-Sight Analysis

Sound Level Contours, LEQ = dBA. This figure accounts for topographic variation from sound source to potential receptor located to the south of the event area (right side of figure). Sound levels are shown for ambient plus outdoor amplified music with maximum 200 attendees at the position indicated in “Figure 3. Existing Ambient Plus Future Daytime Event Outside Phase II” on page 11. Sound Levels in this scenario reach LEQ = 47 dBA at the project boundary. Sound level at 20 feet from speakers does not exceed LEQ 1 hour = 75 dBA.

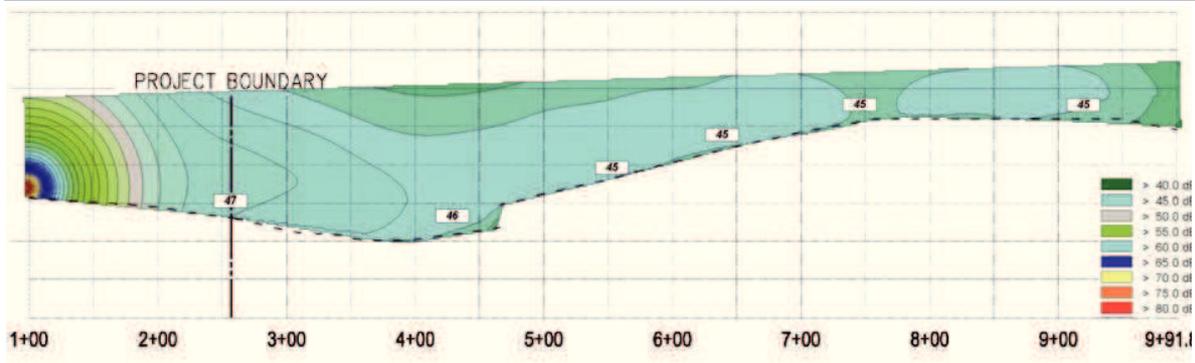
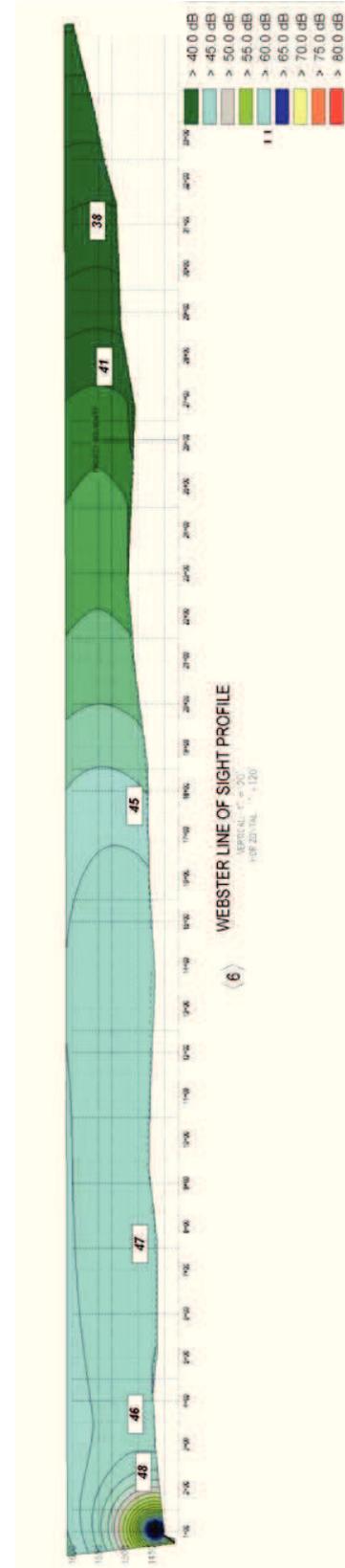


Figure 6. Existing Ambient Plus Daytime Line-of-Sight Analysis

Sound Level Contours, LEQ = dBA. This figure accounts for topographic variation from sound source to another potential sensitive receptor. Sound levels for ambient noise plus outdoor amplified music with maximum 200 attendees at position indicated in “Figure 3. Existing Ambient Plus Future Daytime Event Outside Phase II” on page 11. Sound Levels from the event at project boundary are approximately LEQ 1 hour = 42 dBA in the direction of this sensitive receptor. Sound level at 20 feet from speakers does not exceed LEQ 1 hour = 75 dBA.



8.0 APPENDIX I: Notes, Definitions

TERM	DEFINITION
Ambient Sound Level	The composite of sounds from all sources near and far. The normal or existing level of environmental noise or sound at a given location. The ambient level is typically defined by the LEQ level.
Background Sound Level	The underlying, ever-present lower level sound that remains in the absence of intrusive or intermittent sounds. Distant sources, such as traffic, typically make up the background. The background level is generally defined by the L90 percentile noise level.
Sound Level, dB	Sound Level. Ten times the common logarithm of the ratio of the square of the measured A-weighted sound pressure to the square of the standard reference pressure of 20 micropascals, SLOW time response, in accordance with ANSI S1.4-1971 (R1976) Unit: decibels(dB).
dBA or dB(A):	A-weighted sound level. The ear does not respond equally to all frequencies, but is less sensitive at low and high frequencies than it is at medium or speech range frequencies. Thus, to obtain a single number representing the sound level of a noise containing a wide range of frequencies in a manner representative of the ear's response, it is necessary to reduce the effects of the low and high frequencies with respect to the medium frequencies. The resultant sound level is said to be A-weighted, and the units are dBA. The A-weighted sound level is also called the noise level.
Equivalent Sound Level LEQ	Because sound levels can vary markedly in intensity over a short period of time, some method for describing either the average character of the sound or the statistical behavior of the variations must be utilized. Most commonly, one describes ambient sounds in terms of an average level that has the same acoustical energy as the summation of all the time-varying events. This energy-equivalent sound/noise descriptor is called LEQ. In this report, both a 15 minute and an hourly period is used.
Percentile Sound Level (Ln)	The noise level exceeded during n percent of the measurement period, where n is a number between 0 and 100 (e.g., L90)
Subjective Loudness Changes.	In addition to precision measurement of sound level changes, there is a subjective characteristic which describes how most people respond to sound: <ul style="list-style-type: none"> •A change in sound level of 3 dBA is <i>barely perceptible</i> by most listeners. •A change in level of 6 dBA is <i>clearly perceptible</i>. •A change of 10 dBA is perceived by most people as being <i>twice (or half)</i> as loud.
Time weighting	Different, internationally recognized, meter damping characteristics are available on sound level measuring instruments: Slow (S), Fast (F) and Impulse (I). In this community sound level measurement, the Fast (F) response time is used.

9.0 APPENDIX II: Measurements and Calculation Methods

9.1 Wind Measurement

Sound level measurements become less reliable when average wind speed is greater than 11 m.p.h. at the measurement site. Therefore, wind speed and direction are measured periodically at the measurement site and the results are correlated with wind data from a nearby established weather station. A Larson Davis WS 001 windscreen is used as wind protection for all microphones and is left in place at all times.

Wind speed and direction were noted throughout the measurement period. A magnetic compass was used to estimate wind direction. A Davis Turbo Wind meter was used to measure wind speed at the measurement site. The Turbo Wind meter is a high performance wind speed indicator with exceptional accuracy.

9.2 Precision of Sound Level Meters.

The American National Standards Institute (ANSI) specifies several types of sound level meters according to their precision. Types 1,2, and 3 are referred to as “precision,” “general-purpose,” and “survey” meters, respectively. Most measurements carefully taken with a type 1 sound level meter will have an error not exceeding 1 dB. The corresponding error for a type 2 sound level meter is about 2 dB. The sound level meters used for measurements shown in this report are Larson-Davis Laboratories Model 812 and Model 820. These meters meet all requirements of ANSI s1.4, IEC 651 for Type 1 accuracy and include the following features: 110 dB dynamic range for error free measurements.

Field calibration of the meter is accomplished before and after all field measurements with an external calibrator. Laboratory calibration of the all instruments is performed at least biannually and accuracy can be traced to the U.S. National Institute of Science and Technology standard.

9.3 Sound Level Measurement Method

The protocol for conducting sound level measurements is prescribed in detail by the American Society for Testing and Materials (ASTM) in their E 1014 publication and the Cal Trans Traffic Noise Analysis Protocol. The procedures and standards in those documents are met or exceeded for sound level measurements shown in this report. The standards of ASTM E 1014 are exceeded by using Type 1 sound level meters for all measurements in this report instead of the less accurate Type 2 meters. Therefore, the precision of the measurements in this report is likely to be better than +/- 2 dB as stated in ASTM E1014.

Caltrans Noise Measurement Guidelines

Caltrans makes available general guidelines for taking into account environmental elements in noise measurements. The following is an excerpt from their guidelines. The Traffic Noise Analysis Protocol (hereafter referred to as the Protocol) contains Caltrans noise policies, which fulfill the highway noise analysis and abatement/mitigation requirements stemming from the following State and Federal environmental statutes:

- California Environmental Quality Act (CEQA)
- National Environmental Policy Act (NEPA)
- Title 23 United States Code of Federal Regulations, Part 772 “Procedures for Abatement of Highway Traffic Noise and Construction Noise” (23 CFR 772)
- Section 216 et seq. of the California Streets and Highways Code

9.4 Meteorological conditions, discussion

Wind speed and direction, temperature profiles, relative humidity, and sky conditions can cause changes in noise measurement results at normal receiver distances from the transportation noise source. Meteorological conditions can affect noise measurements in two ways: they can affect the measurement instruments directly, or they can affect the actual noise levels. Wind speeds of 5 meters per second, or 11 miles per hour, create a wind noise of about 45 dBA on a typical ½” microphone with windscreen. This means that measurements of noise below 55 dBA will be contaminated under these conditions. Extreme hot or cold temperatures and humidity can also affect the operation of noise measurement instruments. High humidity or rapid changes in temperature can cause droplets of moisture to form on the microphone diaphragm, creating a popping noise. This can contaminate the noise measurement. Rain, or wet pavement will change tire-pavement noise characteristics, altering traffic noise both in level and frequency. Changes in wind speed and direction relative to the location of the noise source and receiver can cause changes in the magnitude and direction of wind shear. This can result in refraction effects that can redirect sound energy away from or toward a receiver and change overall noise levels.

9.5 Noise Contour Modeling

Measured sound level data was used to calibrate, CADNA/A, an acoustical modeling program which is in conformance with the algorithms of the Federal Highway Administration Highway Traffic Noise Model (TNM 2.5). The TNM 2.5 model is the analytical method

currently favored for traffic noise prediction by most state and local agencies. It is applied to federal and state roadway projects by the California Department of Transportation (Caltrans). The TNM is based upon the CALVENO noise emission factors for automobiles, medium trucks and heavy trucks, with consideration given to vehicle volume, speed, roadway configuration, distance to the receiver, and the acoustical characteristics of the project site. In addition, sound level measurements were performed over 24-hour periods at two locations to describe ambient sound levels in the project area, and to derive suitable LDN day/night traffic noise distribution factors for traffic noise modeling.

This computer modeling tool, made by Datakustik GmbH, is an internationally accepted acoustical modeling software program, used by many acoustics and noise control professional offices in the U.S. and abroad. The software has been validated by comparison with actual values in many different settings. The program has a high level of reliability and follows methods specified by the International Standards Organization in their ISO 9613-2 standard, "Acoustics – Attenuation of sound during propagation outdoors, Part 2: General Method of Calculation." The standard states that, "this part of ISO 9613 specifies an engineering method for calculating the attenuation of sound during propagation outdoors in order to predict the levels of environmental noise at a distance from a variety of sources. The method predicts the equivalent continuous A-weighted sound pressure level ... under meteorological conditions favorable to propagation from sources of known sound emissions. These conditions are for downwind propagation ... under a well-developed moderate ground-based temperature inversion, such as commonly occurs at night." The computer modeling software takes into account source sound power levels, surface reflection and absorption, atmospheric absorption, geometric divergence, meteorological conditions, walls, barriers, berms, and terrain variations. The CADNA/A software uses a grid of receivers covering the project site.

10.0 REFERENCES

1. American National Standards Institute, Inc. 2004. *ANSI 1994 American National Standard Acoustical Terminology*. ANSI S.1.-1994, (R2004) , New York, NY.
2. American Society for Testing and Materials. 2004. *ASTM E 1014 - 84 (Reapproved 2000) Standard Guide for Measurement of Outdoor A-Weighted Sound Levels*.
3. Bolt, Beranek and Newman. 1973. *Fundamentals and Abatement of Highway Traffic Noise*, Report No. PB-222-703. Prepared for Federal Highway Administration.
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5. California Department of Transportation (Caltrans). 1982. *Caltrans Transportation Laboratory Manual*.
6. _____. 1998. *Caltrans Traffic Noise Analysis Protocol For New Highway Construction and Highway Reconstruction Projects*.
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8. California Resources Agency. 2007. *Title 14. California Code of Regulations Chapter 3. Guidelines for Implementation of the California Environmental Quality Act Article 5. Preliminary Review of Projects and Conduct of Initial Study, Sections 15060 to 15065*.
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11. Lutgens, Frederick K., and E.J. Tarbuck.1995. *The Atmosphere*. Prentice Hall.
12. McKnight, Tom. 1999. *Physical Geography*. Prentice Hall.
13. San Luis Obispo County. 1992. *Noise Element of the General Plan*. County of San Luis Obispo, CA.



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MEMORANDUM

DATE: May 27, 2015

TO: Mandi Pickens, Kirk Consulting

FROM: Michael Hibma, M.A., RPH, Architectural Historian; Andrew Pulcheon, M.A., RPH, AICP, Principal, LSA Associates, Inc.

SUBJECT: Response to Declarations Submitted for Case No. 15CVP-0093 (re: California Register of Historical Resources Eligibility Evaluation of the Pasolivo Barn).

This memorandum was prepared by LSA Associates, Inc. (LSA), Architectural Historian Michael Hibma, who meets the Secretary of the Interior's *Professional Qualifications Standards* for history and architectural history (36 CFR Part 61). The memorandum responds to statements from the following individuals:

1. **Mr. Jack Hanauer** (second declaration) (May 19, 2015);
2. **Ms. Carole Denardo** (May 21, 2015); and
3. **Mr. Christopher McMorris** (May 21, 2015).

In September 2013, LSA prepared a *Phase I Archaeological Survey and Historical Assessment* for the proposed Pasolivo Project. The project proposes demolition of several existing buildings, including the Barn, to make room for new construction and to expand their current olive production facility and tasting room. The study identified four built environment resources 50 years old or older in the project area, one of which was the Pasolivo Barn (Barn). The Barn is a rectangular, 6,500-square-foot, wood-framed building with a two-story central section flanked by single story, shed-roofed cribs and covered by a medium-pitched, end-gabled roof. Based on background research and field observations, LSA evaluated the eligibility of the resources for inclusion in the California Register of Historical Resources (California Register). LSA concluded that none of the resources appeared eligible for inclusion in the California Register due to a lack of significant historical associations and are not historical resources as defined at California Public Resources Code (PRC) Section 21084.1.

Please note that the contents of the memorandum reflects the author's professional opinion as a cultural resource management professional, and it is not be presented as, or should be considered, legal analysis, counsel, or advice. These responses speak strictly to the technical comments raised by the individuals listed above.

ELIGIBILITY EVALUATION SUMMARY

The California Register eligibility evaluation of the Barn conducted by LSA is summarized below, according to the significance criteria contained in PRC Section 5024.1(c).

Criterion 1: Is it associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage?

LSA's research indicated that, although the Barn is associated with a pattern of events that has been significant in local history (agricultural development in the Las Tablas/Adelaida area), the Barn does not have an important association with that pattern of events.

Criterion 2: Is it associated with the lives of persons important in our past?

Research indicated that the Barn is located on a portion of a larger ranch that was once owned by King Vidor, an early Hollywood producer, director, and screenwriter. Vidor's ranch, at the height of its geographic extent, comprised approximately 1,500 acres, of which the project area was a small part (seven acres).

Research did not indicate that Vidor constructed or commissioned the construction of the Barn, or that it served as part of an administrative or operational headquarters for his ranch. The Barn appears to be part of a satellite complex associated with the day-to-day operation of the Willow Creek Ranch, and it is not associated with his productive life as a prominent Hollywood producer, director, and screenwriter.

Criterion 3: Does it embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual, or possess high artistic values?

The Barn is a transverse crib type, which is considered the most prolific barn design in the western United States and is a style well represented in the existing building stock of northwest San Luis Obispo County, the Central Coast, and statewide (Vlach 2003:24, 357-359). Research and field observations indicate that it reflects a design and use of materials that are vernacular in expression and commonly employed in rural carpentry (Vlach 2003:24, 357-359). The utilitarian design and configuration indicates that this Barn was used initially used as part of a dairy farm and later altered to shelter a variety of agricultural uses and equipment; as such, the Barn does not represent the work of an important creative individual or possesses high artistic value.

LSA conducted a windshield review of properties along Vineyard Road to identify other examples of barn architecture as a comparative basis for the evaluation. As a comparative example, LSA considered the barn identified by Bertrando (2005) at Kentucky Ranch, an equestrian facility located approximately 0.7 miles south of the Barn that "appears to be have operated from about 1950 to 2000" (Bertrando as cited in LSA 2013:23). The Kentucky Ranch Barn is a transverse crib barn built in 1925. It is covered by a tall, pointed (Gothic) arch-shaped roof. The Kentucky Ranch Barn appears eligible for inclusion in the California Register under Criterion 3 as an example of "particular Barn construction technique that was part of the evolution of Barn design during the Twentieth Century" (Bertrando as cited in LSA 2013:23).

The Barn does not possess any of the distinguishing characteristics, such as the pointed arch roof and redwood siding set in a decorative diamond pattern as shown in the Kentucky Ranch Barn.

Criterion 4: Has it yielded, or may it be likely to yield, information important in prehistory or history?

The utilitarian design of transverse crib barns is well documented and extensively published in literature describing the architectural form and design of agricultural buildings (Vlach 2003; California Department of Transportation 2007; Baer 2002; Noble and Cleek 1995; Downing 1850; Upton and Vlach 1986; National Trust for Historic Preservation 1976). For this reason, additional study of the Barn, particularly as it pertains to its subtle variation of using hewn logs as roof support posts, would not yield information important to history.

Although an assessment of integrity is not necessary because of the lack of significant associations, apparent alterations to the barn include the hay loft removal, cattle stall removal, replacement of a concrete floor with dirt/gravel, the conversion of a portion of the east crib to an enclosed tool shed, and the addition of a shed-roof addition to the south façade.

Eligibility Conclusion

Due to a lack of historical significance, the Barn does not appear eligible for inclusion in the California Register, nor does it qualify as a historical resource for the purposes of CEQA.

COMMENT RESPONSES

This section presents the comments of the previously identified declarants, followed by LSA's responses to these comments. To prevent redundancy, similar comments are referenced to earlier responses.

Second Declaration of Mr. Jack Hanauer

The following comments, dated May 19, 2015, were submitted by Mr. Jack Hanauer, a local contractor based in Templeton, California. Each comment is followed by a response.

Comment 1: *The barn was constructed on the natural slope of the land on which it was built. The exterior walls the run the length of the building stakeout at a height of 8' and grow to 10'-11' at the other end and as I mention, the ridge line is level. Considering the era in which this barn was built, I have to tip my hat to the farmers that built it.*

Response: It was common for the design of utilitarian agricultural buildings to adapt to the topographic constraints of their site (Baer 2002:9). Therefore the relationship between the Barn and the underlying topography is not unique or important.

Comment 2: *Probably the most unique characteristic of this old barn (that I have never seen in all my years working in north county) are the interiors [sic] posts that support the roof structure. These posts are not made of milled lumber...they are trees...[emphasis in the original] debarked trees that reach 20' in height, that support the roof beams. Oak trees (I believe they are White Oaks) that were harvested off the property, debarked and install [sic] on concrete piers as the main roof support members. To my knowledge, that would make this barn "one of a kind."*

Response: National Register Bulletin 15, *How to Apply the National Register Criteria for Evaluation*, provides guidance developed by the National Park Service that explains how to apply the criteria in evaluating properties that may be significant in local, State, and national

history. This guidance is acknowledged as relevant in the application of California Register criteria due to the similarity between the registration programs (cf. PRC 5024.1(c)). In discussing the application of Criterion C (Criterion 3 of the California Register), Bulletin 15 states:

A structure is eligible as a specimen of its type or period of construction if it is an important example (within its context) of building practices of a particular time in history. For properties that represent the variation, evolution, or transition of construction types, it must be demonstrated that the variation, etc., was an important phase of the architectural development of the area or community in that it had an impact as evidenced by later buildings. A property is not eligible, however, simply because it has been identified as the only such property ever fabricated; it must be demonstrated to be significant as well (emphasis added) (National Park Service 1997:18).

It was common for utilitarian agricultural buildings such as barns to source local materials for construction due to their ready availability and low cost. The use of oak trees as roof support posts corresponds with this practice. These debarked oak tree posts were installed with no special treatment or adornment to perform the same function as milled posts employed as structural support members in conventional construction of the time. It is LSA's opinion that these posts do not possess high artistic values. Furthermore, the use of debarked trees to construct other parts of the Barn was either not used originally or are no longer evident. Mr. Hanauer states that the posts were "...harvested off the property, debarked and install [sic] on concrete piers as the main roof support members." The concrete piers that presently form the post foundations were not part of the original construction, as Mr. Hanauer states. These piers were likely installed within the last 15 years, as evidenced by their relatively unblemished condition, the age of the Barn, and spiral surface texture that indicates the use of cylindrical concrete forms, such as a "Quik-Tube."

According to Mr. Hanauer, whose scope of experience specifically with barns in northern San Luis Obispo County is not stated, the use of debarked trees as roof supports makes this Barn "one of a kind." However, as discussed above, these oak tree posts are simply stripped trunks with no special treatment or adornments applied and are used to support the Barn's roof. It does not appear that using debarked oak trees to support a barn roof was a type or method of construction that was incorporated into barn design in northern San Luis Obispo County. It is LSA's opinion, as discussed in Bulletin 15; their use in this Barn does not represent an important phase in the development of the barn design or construction traditions. In LSA's opinion, the visual signature of the transverse crib style of this Barn is common to other types of barns in the local area, the Central Coast, and statewide, as this type was the most popular barn type in the western United States. "Well suited to ranches and farms raising cattle, horses, hay, or grain, the proven adaptability of the building's flexible design allowed this barn to become *the* American barn. As a regular feature of the landscape, the transverse-crib barn ties together much of the nation" (Vlach 2003:24).

Declaration of Carole Denardo

The following comments, dated May 21, 2015, were submitted by Ms. Carole Denardo, Cultural Resources Manager/Senior Archaeologist and Senior Architectural Historian at Provenience Group, Santa Ynez, California. Each comment is followed by a response.

Comment 3: *The report does not discuss who constructed the foreman's residence, barn, and other early twentieth century structures on the subject property. In the early twentieth century, several Mennonite families settled near Willow Creek. Were the builders/owners of these buildings on the Pasolivo property important members of the congregation?*

Response: LSA's background research included reviewing local histories, newspapers, and photographs of the area. No information located during the research linked the Pasolivo site with the Mennonite community in Adelaida. LSA reviewed information of the Paso Robles Mennonite community via a reference provided by Ms. Denardo (California Mennonite Historical Society 1998). LSA compared the names of Mennonite families listed on the website with the names of previous owners of the Pasolivo property identified on the chain of title search. None of the previous owners were identified on the website.

There is no evidence of any association of the Pasolivo property with the early Mennonite Colony. Chain of title research indicated that owners of the Pasolivo area around 1900, when these buildings were likely built, include the San Luis Oil Development Company, a Los Angeles-based glass and pottery salesman, and the Glenn County-based Hendrickson Ranch Company.

Comment 4: *According to LSA's report, the "foreman's residence" was constructed in about 1900, but there is a discrepancy about the construction date of the "barn." The San Luis Obispo County Building Record states the barn was erected in ca. 1900, but the LSA report asserts it was 1925. The reason the date is questioned is because a review of historic USGS topographic quadrangle maps indicate one structure on the subject property in 1918-1919 and 1932. If both buildings date to 1900, then why aren't they both depicted on these maps? Perhaps only residences were portrayed, but more recent USGS topographic maps (1948 to recent) indicate all building on the subject property.*

Response: LSA's build date for the Barn was informed by a review of available USGS topographic maps. The 1900 build date estimation by San Luis Obispo County Assessor staff, as indicated on the Residential Building Record, is likely a default date assigned to extant buildings and structures built before building permits were required. According to Rebecca Tanner, an Appraiser at the Assessor's satellite office in Atascadero, the County did not begin systematically making property assessments until the mid-1940s. Appraisers would visit a property and determine a building's age based on previous, similar examples or on-site conversations with the owner, who may have built the building(s) or knew the person(s) who did (2015). Therefore, the Barn's estimated build date of 1900 was based on the appraiser's estimation of the building's age based on an in-field review of the building and possibly informed by via conversations with the property owner or tenant.

Regardless of the potential difference in construction dates, the proposed earlier date of 1900 is not a determinative factor with respect to the Barn's California Register status. Based on archival research and field observations, the Barn does not possess the associative significance or distinctive architectural qualities to confer significance under any of the California Register criteria.

Comment 5: *LSA's report mentions the "barn" was "heavily damaged during the San Simeon Earthquake of December 2002: following the earthquake, the Barn's entire superstructure was rebuilt with lodge poles set in circular concrete supports (LSA 2013:20). However, a letter from*

Construction Contractor Jack Hanauer, dated March 2, 2015, states that in 2005 he was hired to preform preservation. "We were preserving a barn that was structurally sound but in need of maintenance and rehabbing. The barn survived...intact the [sic] San Simeon earthquake that ripped through the Willow Creek/Adelaida area causing millions of dollars of damage to recently constructed modern homes." According to Mr. Hanauer, no prior restoration work had occurred to the Barn prior to his work. A summary of the restoration work completed for the building are described in Attachment 2.

Response: It is not clear if the above comment contains a request for clarification or identifies an information need. The LSA statement regarding the correlation between the earthquake and alterations to the Barn is based on field observations that indicated the repairs appeared consistent with structural stabilization and seismic reinforcement/retrofit. The observations included the installation of new concrete piers for the oak tree posts, new foundation footers along the perimeter of the Barn, and roof repairs to the south façade. Other alterations to the Barn that may or may not be connected to the earthquake includes a new shed-roofed addition at the rear, south-facing façade and an enclosure of the rear portion of the east crib for use as a tool/equipment storage room. Building permit documentation of the property on file did not include permits for the repairs described by Mr. Hanauer.

According to the United Geological Survey (USGS) and the California Integrated Seismic Network, the December 2003 San Simeon earthquake was a magnitude 6.5 event with an epicenter approximately 24 miles northwest of Paso Robles. Within 24 hours of the main shock, the Central Coast sustained over 80 aftershocks greater than magnitude 3 and two aftershocks greater than magnitude 3.8 within five days (USGS 2015; California Integrated Seismic Network 2003). This information suggests that it is likely that the Barn did sustain some level of damage as result of the cumulative seismic activity. Furthermore, several tasks described by Mr. Hanauer in a statement prepared on March 2, 2015, describing the "restoration" work completed less than 18 months following the earthquake are associated with stabilizing and reinforcing buildings, suggesting a correlation between the earthquake and the alteration of the Barn. The work consisted of:

1. 12"x27" steel reinforced concrete footings around the perimeter barn.
2. Interior-steel reinforced concrete grade beams running the length of the barn.
3. Concrete piers, grade beams, and mechanical anchors at all interior post locations.
4. Simpson PAHD connectors at all perimeter post connections.
5. Simpson- Continuous Lateral Strap Ties were installed on all exterior walls at approximately the 6' level.
6. Mechanical connections installed at all post/beam/header connections throughout the barn.
7. Rebuild roof at the south end of the barn.
8. Repair wind damage to roof.
9. Convert a portion of the barn to a tool and equipment room.

Declaration of Christopher McMorris

The following comments, dated May 21, 2015, were submitted by Mr. Christopher McMorris, Partner/Architectural Historian at JRP Historical Consulting, LLC, Davis, California. Each comment is followed by a response.

Comment 6: *The Barn was evaluated under all four California Register of Historical Resources (CRHR) criteria. The evaluations under Criteria 1,2, and 4 appear to be adequate and there is sufficient substantial evidence in the report to support those conclusions.*

Response: Comment noted.

Comment 7: *The CRHR Criterion 3 evaluation of the barn's potential significance for embodying the distinctive characteristics of a type, period, region, and method of construction is not supported by sufficient historic/architectural context related to barn design and building practices on the local/regional level.*

Response: LSA made a reasonable effort to locate information about the Barn and its historic context. LSA reviewed available information at the County Assessor/Recorder, the History Center of San Luis Obispo County, and University Archives collection at the California Polytechnic University, San Luis Obispo. Based on the results of this research, the transverse crib Barn is associated with the most prolific type in the western United States due to its ready adaptability to various uses (Vlach 2003:24). Research at the aforementioned repositories did not reveal a connection with the Barn and the early-20th century sanitary dairies movement or as part of university curricula.

The level of effort used during LSA's research conformed to the general standards and guidelines promulgated by the Secretary of the Interior, as developed by the National Park Service. They pertain to provide technical advice about historic preservation identification, evaluation, and documentation methods. They are widely cited and used throughout the historic preservation community to ensure the consistency of preservation activities conducted in the furtherance of environmental review.

The scope of LSA's research conformed to the Secretary of the Interior's Standards for Historical Documentation (Secretary's Standards), specifically *Standard II* and the *Use of Sources* Guideline (National Park Service 2015). Each is presented below.

Standard II. Historical Documentation Employs an Appropriate Methodology to Obtain the Information Required by the Research Design

Methods and techniques of historical research should be chosen to obtain needed information in the most efficient way. Techniques should be carefully selected and the sources should be recorded so that other researchers can verify or locate information discovered during the research.

LSA's methods and techniques of historical research for Pasolivo reflect a multi-pronged approach. LSA reviewed any previous cultural resource documentation available of the project area from the Central Coast Information Center, which is the official state repository

of cultural resources reports and records for San Luis Obispo County. LSA reviewed official published national, state, and local cultural resource inventories that are widely available to the public. LSA reviewed published secondary literature about and historical topographic maps of northern San Luis Obispo County. LSA conducted research at History Center of San Luis Obispo County and the Special Collections in the Robert F. Kennedy Library at the California Polytechnic State University, San Luis Obispo, to learn about the recent history of the surrounding area and any property-specific information that may be available. LSA performed property-specific research at the San Luis Obispo County Assessor's office in Atascadero to learn about the recent history of the project area, such as construction and alteration dates of buildings in the project area, and other information necessary to address resource significance and integrity.

Use of Sources [Guideline]

The documentation goals may not require exhaustive investigation of sources, such as deed records or building permits. Research may be kept cost-effective by making careful decisions about when to use particular sources, thereby limiting the use of time-consuming techniques to when absolutely necessary.

The sources of information LSA chose to research was informed by previous experience in researching agricultural properties similar to the Barn. LSA surmised that resources in rural areas require more emphasis on researching primary materials to learn the past uses, occupants, and any alterations to the property's built environment. Previous experience in San Luis Obispo County also informed what specific archival facilities to visit, such as the History Center of San Luis Obispo County and the Special Collections at Cal Poly, and what parts of their collections that would likely contain information useful to the evaluation. The goal of the documentation was to use available evidence to prepare an evaluative framework for the project area, the people who lived there, and the buildings they built and lived in. Information (or lack thereof) obtained via the research outlined above, coupled with the lack of sufficient integrity from field observations, did not indicate that further investigation into scientific farming methods developed during the early-20th century at the University of California's Agricultural Extension Service or the California Dairy Board was warranted.

Please see the response to Comment 2 with regard to the use of oak trees as roof support posts.

Comment 8: *The "Architectural Context" section of the report briefly discusses vernacular architecture, but does not present and information or facts regarding the barn's design as a transverse crib barn and building practices of barns in San Luis Obispo County and the Central Coast from the early twentieth century.*

Response: LSA's discussion of vernacular architecture and the Barn in the context of local history and development represents the level of effort adequate for the type of building that it is – a transverse crib barn – the most familiar barn type in the western United States (Vlach 2003:24, 357-359). Background research did not connect the Barn with any agricultural practices not in use at other places in California at the time or that were unique to the Las Tablas/Adelaida area or the Central Coast. As discussed above in the response to Comment 2,

the use of debarked oak trees to support the roof is an instance of a site-specific barn construction technique.

Comment 9: *The report makes multiple un-cited statements that are used to support conclusions, and the noted sources for the building's date of construction, ca. 1925, do not clearly support this estimated date. The San Luis Obispo County Assessor rerecords I have reviewed included an estimated date of construction for the barn of 1900.*

Response: See response to Comment 4 above.

Comment 10: *Similarly the report states, without citation, that the barn's hay loft was removed. This may not be accurate, as some early twentieth century transverse crib barns were not built with hay lofts. From photographs, it appears that the barn has a pair of swing doors on the upper portion of the north side below a hay hood/fork, which would have been used to load hay into the building. Historically, such doors opened to a hay loft, but the presence of a hay door does not mean the barn had a hay loft. Interior photographs do not appear to present evidence that the building once had a hay loft.*

Response: LSA's conclusion that the Barn once contained a hay loft but was subsequently removed is based on field observations of the building's exterior and interior. LSA has not identified a source to substantiate the commenter's statement that "*some early twentieth century transverse crib barns were not built with hay lofts.*" It is LSA's assertion that the presence of the hay hood/fork ipso facto indicates a previous hay loft (that has since been removed). LSA is not aware of another functional use of a hay hood/fork that does not involve the hoisting of hay bales, which, in turn, necessitates the presence of a hay loft for bale receiving, sorting, and storage. No official planning-related documentation on file was identified that dates and describes modifications to barns, such as removal of a hay loft. Previous owners or photographs of the building were not located for this evaluation.

Comment 11: *The report also mentions that Mr. Hibma conducted a windshield survey along Vineyard Drive to obtain contextual information about the nearby built environment. It is unclear what was gleaned from this survey, as the evaluation of the barn in the report only presents broadly worded statement regarding the building's utilitarian design. No specific comparisons are mentioned in the report and a historic resource evaluation of the nearby Kentucky Ranch Barn is only cited in the bibliography. Comparison of the Kentucky Ranch Barn to the subject barn was noted in LSA's April 17, 2015 memo to Kirk Consulting with a citation that presumably refers to the LSA 2013 report, which does not specifically discuss the Kentucky Ranch Barn. From photographs and our brief review of the available documentation, it appears that the Kentucky Ranch Barn would not be a relevant comparison for the Pasolivo Barn, as the former was horse barn [sic] built as part of the ranch's horse breeding operation. In the vicinity of the Pasolivo property, there appears to be at least one barn on Chimney Rock Road that is a likely better comparison.*

Response: LSA conducted the windshield survey to identify comparative ranch properties in the area. This windshield survey did not net conclusive results as the dense vegetation, steep terrain, and deep setbacks from the public right of way obscured views into properties. Regardless of the potential to locate other similar barns nearby, the Barn is a transverse crib barn, the most common in the western United States (Vlach 2003:24, 357-359).

The statement that LSA's report did not specifically discuss the Kentucky Ranch Barn is not accurate. The Kentucky Barn and associated property are discussed in the Central Coast Information Center records search results on page 24 of the 2013 report. The Barn at Pasolivo and the Kentucky Barn are both transverse crib barns. They were built to shelter and feed livestock; one built for dairy cows and the other for horses. The main visual difference between the two the overall roof height and shape, as the Barn is covered by a conventional medium-pitched, end-gabled roof, while the Kentucky Ranch Barn is covered by a tall, striking Gothic-arch roof. The basis for the Kentucky Ranch Barn's eligibility under Criterion 3 is that it is an example of "particular barn construction technique that was part of the evolution of barn design during the Twentieth Century." The Barn at Pasolivo is a more conventional representation of this common barn type.

Comment 12: The following are some considerations of ways in which the Barn on the Pasolivo property may be historically significant:

- 1. The Pasolivo Barn may be a rare remaining dairy barn in the Adelaida/Las Tablas area west of Paso Robles. Dairy barns appear to be the appropriate comparison for this building, not stock or horse barns. Comparison barns may be associated with the subject property or other current or former dairy farms in the vicinity. More extensive visual survey of the area would be required. Agricultural census data may also help identify other historic dairies in the area.*

Response: The Barn was built as part of a dairy operation. As U.S. Geological Survey quadrangles maps from the 1910s and 1930s show, a cluster of six buildings in the vicinity of the Barn. Other structures and features typically associated with a dairy commonly included corrals, water troughs, milk rooms, tanks, and other related infrastructure. Today, none of these types of structures or features remain in association with the Barn. It is LSA's opinion that the Barn does not possess significant historical associations; however, even if such associations were present, the Barn has a questionable ability to evoke a perception of past dairy operations that would be central to integrity of feeling, setting, and design associated with an early dairy farm. Even if significant associations were demonstrated, it does not appear that this avenue of research would ultimately result in a different eligibility outcome as this Barn no longer retains sufficient integrity to convey any significance as a part of a dairy farm.

- 2. The barn may be associated with and reflect the regulations introduced by the sanitary dairies movement that gained prominence in the early twentieth century. Barns constructed in response to the increasing regulation are distinct from those constructed previously as standards for ventilation and cleanliness were introduced. Items visible on this barn that may relate are the ribbon of windows along the side and concrete flooring in the aisles.*

Response: See response above to Comment 7.

As previously stated, it is LSA's opinion that the Barn does not possess significant historical associations; however, even if such associations were present, the Barn has a questionable ability to evoke the perception of a lay person that it was part of an early-20th century dairy farm. The associated outbuildings as depicted on topographic quadrangle maps are gone; other alterations include interior changes such as hay loft removal, cattle stall removal, replacement of a concrete floor with dirt/gravel, the conversion of a portion of the east crib to

an enclosed tool shed, and the addition of a shed-roof addition to the south façade. Taken together, these changes have diminished the Barn's ability to convey any ostensible historical association with early-20th century dairying in northern San Luis Obispo County.

3. *The barn may be an example of a government-agency or educational-institution developed building plan for dairies. There was an increasing promulgation of scientific farming methods during the early twentieth century. Governmental agencies, University of California and its California Agricultural Extension Service, the California Dairy Board, and California Polytechnic School (now California State Polytechnic University) conducted research on farming practices. Attempts to create efficient farm buildings led to refinements in barn design. Governmental agencies published pamphlets and plans for improved farm building construction. Plans for farm buildings were widely distributed. This barn does not appear to have been compared to any of these distributed materials.*

Response: LSA conducted a reasonable level of background research at California History Collections of the University Archives Special Collections Department at the California Polytechnic State University, San Luis Obispo, to obtain historical information about the project area, including any connections between the university and the Pasolivo property. No materials in the collections mentioned, described, or depicted the property. The collections did contain useful information about the agricultural development of the Las Tablas/Adelaida area and was incorporated into the report. It is LSA's opinion, consistent with our interpretation of the aforementioned Secretary's Standards related to level of identification effort, that the research methods employed in the 2013 report reflect a reasonable and good faith effort to locate information about the Pasolivo property.

4. *California Polytechnic is located within the same county as the Pasolivo Barn. California Polytechnic, like University of California, Davis in the northern part of the state, was responsible for developing agricultural practices to improve the performance of California farms. The Barn may reflect information developed and disseminated from California Polytechnic.*

Response: See response to the third point of Comment 12 above.

5. *The building's structure could illustrate an important method of construction. The sharply angled central supports are similar to those used in gambrel roofed barns, although it supports a gable roof. The barn also has unmilled oak poles. Barn structural systems evolve over time, and further analysis of this building's system may assist in clarifying the construction date and may provide evidence that this building illustrates a method of construction of sufficient interest for listing.*

Response: See response to Comment 2 above.

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Fw: Contact Us (response #2844)

Board of Supervisors to: cr_board_clerk Clerk Recorder,
BOS_Legislative Assistants Only

06/01/2015 08:10 AM

Sent by: **Erin Mueller**

----- Forwarded by Erin Mueller/BOS/COSLO on 06/01/2015 08:08 AM -----

From: "Internet Webmaster" <webmaster@co.slo.ca.us>
To: "BoardOfSup@co.slo.ca.us" <BoardOfSup@co.slo.ca.us>
Date: 05/30/2015 01:07 PM
Subject: Contact Us (response #2844)

Contact Us (response #2844)

Survey Information

Site:County of SLO
Page Title:Contact Us
URL:<http://www.slocounty.ca.gov/bos/BOSContactUs.htm>
Submission Time/Date:5/30/2015 1:06:48 PM

Survey Response

Name:
Larry Stone

Telephone Number:

Email address:
tutorman@hotmail.com

Comments or questions (8,192 characters max):

The proposed CUP allowing Pasolivo to expand their facilities and hold multiple events illuminates the undue burden these commercial activities place on the Willow Creek area, benefiting a few business interests while harming the agricultural-residential ambience and the rural quality of life many of us enjoy. Anecdotal evidence suggests that the damaging effects of light pollution, excessive water use, excessive noise, and excessive traffic created by these events are exacerbated by a lack of enforcement of current codes and ordinances.

How appropriate is it to allow non-agricultural commercial activities, such as weddings, conferences, inn operations and other events, in areas zoned for agricultural use?

Until a clearer picture emerges of the impact these non-agricultural commercial activities have on the rural nature of the Willow Creek area, a moratorium on these activities should be implemented immediately. During this moratorium period, the county can study how best to improve enforcement of existing codes and can also determine if modifications to existing codes are needed.

Larry Stone
Willow Creek Area Property Owner

Agenda Item No: 33 • Meeting Date: June 2, 2015
Presented By: Larry Stone
Rec'd prior to the meeting & posted on: June 01, 2015



Fw: Pasolivo Project

Frank Mecham to: Board of Supervisors, Cherie McKee, Jocelyn Brennan, Hannah Miller, Jennifer Caffee

06/01/2015 09:04 AM

Sent by: **Vicki Shelby**

Cc: cr_board_clerk Clerk Recorder

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FMecham@co.slo.ca.us

----- Forwarded by Vicki Shelby/BOS/COSLO on 06/01/2015 09:03 AM -----

From: Lois Fox <lois@belvinoviaggio.com>
To: fmecham@co.slo.ca.us
Date: 06/01/2015 08:31 AM
Subject: Pasolivo Project

Dear Frank,

I am writing to express my support of the Pasolivo project. My understanding of the facts are the owners have complied with all regulations and are seeking to expand their facilities in line with County requirements. They have demonstrated through the years and with the planning of this project that they are good stewards of the land. My hope is that reason and justice will prevail and the Board of Supervisors will move forward with an approval, providing that County codes and restrictions are met. A discontent neighbor should not be allowed to block their approval without concrete, correct information that demonstrates the project violates the requirements of an approval.

Regards,
Lois Fox



Fw: Attachment for letter regarding MUP DRC 2013-00028
Hannah Miller to: cr_board_clerk Clerk Recorder

06/01/2015 09:05 AM

Hannah Miller
Legislative Assistant to Supervisor Adam Hill
District 3, County of San Luis Obispo
1055 Monterey St. Rm D430
San Luis Obispo, CA 93408
805-781-4336
805-781-1350 fax

----- Forwarded by Hannah Miller/BOS/COSLO on 06/01/2015 09:05 AM -----

From: Alice Griselle <agriselle@gmail.com>
To: ahill@co.slo.ca.us
Cc: hmiller@co.slo.ca.us
Date: 05/31/2015 08:47 PM
Subject: Attachment for letter regarding MUP DRC2013-00028



Here is the attachment. I apologize for any inconvenience. SLO letter 2.docx

May 30, 2015

RE: Appeal of DRC2013-00028/8530 Vineyard Drive, Paso Robles/Willow Creek NewCo, LLC

Dear Supervisor Mecham:

Please uphold the appeal of the approval of a minor use permit allowing an excessive number of events in the Agriculture/Rural Residential general plan land use designation and zone by denying or continuing the request for "temporary events".

My background includes a Master's of Urban Planning and 32 years as a planner, community development director, and assistant city manager before I retired. As you can imagine, orderly and managed planning of an area is extremely important to me. I have learned from handling many controversial items that public input and a collaborative planning process is always a win win for all concerned. The public input is valuable because they deal with issues first hand and live in the area. Together, planners and the public can come up with common sense and mutually beneficial solutions that can be incorporated into the formal planning processes and ordinances.

I do want to state that I frequent the wineries and olive oil making businesses. We are club members for the wineries and attend the events. However, I do understand that the success of the region and lack of controls can lead to disastrous consequences. I also understand that it is difficult as a Supervisor with varied agendas and issues to delve into the complexities of ordinances and planning processes and you must rely on staff. I think it is best not to fix blame but to go forward with a collaborative planning process that benefits all of the stakeholders. It takes time and work but is certainly worth the effort to preserve a lovely area of the County.

In reviewing the ordinances and processes that are being used for the approval of the subject application, I am alarmed and disappointed. I have not written a full critique of the ordinances and the Board of Supervisors Report Attachment 1, but have touched on a few of the areas that should be of concern to the Supervisors for preserving the property rights of the residents and property owners in the Adelaida, Willow Creek area, and the entire Paso Robles Wine Region. I had limited time and did not want to bother a busy staff with this issue, so all my information is from the County website. I apologize if there are any discrepancies.

There are several zoning issues that need to be updated. The zoning use chart does not provide a definition for wineries or any related uses. Instead all the event requests are processed through a minor land use permit as temporary uses. The current definition reads, "Temporary Events (land Use). Any use of a structure or land for an event for a limited period of time where the site is not permanently altered by grading or construction of accessory facilities. Events include but limited to art shows, rodeos, religious revivals, tent camps, outdoor festivals and concerts."

In Chapter 22.30.610, the Temporary Events section, it allows for an unlimited number of free admission events which are eight hours or less in duration and are operated by a non-profit organization. The time limit section reads that a temporary event shall be held in a single location for no longer than 12

consecutive days, or four successive weekends, except where a different time limit is established by other applicable provisions of the County Code or through Minor Use Permit approval. On Page 14 of the Board report condition 31 reads that temporary events shall last no more than one day each which is a good condition. However, the ordinance leaves it open for the possibility of events for 12 days in a row or on four successive weekends.

Obviously, the temporary events section was not written with the uses requested by wineries/ olive oil producers. Time limits need to be tailored for the wineries/olive oil venues. A definition for wineries and olive oil operations and the ancillary uses should be written and then placed in the appropriate places within the code. Additionally, allowable ancillary uses should be specified. Wine or olive oil tasting is okay but a rodeo may not be okay. It is a nice thought to allow as many non- profit events as possible but they should also be restricted in the code. We are aware that raising money for non-profits is a business and it could have a significant impact on the subject property and neighbors.

Willow Creek NewCo, LLC has requested the following, "Event types (hypothetically and not limited to): Farming symposiums, culinary and art shows, wine and food symposiums, weddings and corporate dinners, olive oil making seminars." They didn't include rehearsals but we know they requested 20 annually. They also acknowledge that the non-profit events are not restricted in frequency or number and that they include a 'give back' component.

The Board report (on the SLO County web page) does not mention the kinds of temporary uses or condition them. A car show, helicopter or balloon rides, a rodeo, a carnival, a Rave concert or other unexpected use would be allowed in an Agricultural/Rural Residential area under the current code interpretation and minor use permit. Willow Creek NewCo, LLC can at any time sell this property to another owner or corporation that may have a different business plan that calls for inappropriate uses. A zoning ordinance is adopted to control uses and the subject minor land use permit has swung the door wide open.

A collaborative planning process needs to be undertaken to specify the ancillary uses to a winery/olive oil business that are allowed while taking into consideration the Agricultural and Rural Residential zoning.

The Board report recommends approval of "b. Up to 20 one day Temporary Events with no more than 200 guests (upon completion of secondary access) as defined by Temporary Event standards in section 22.30.60 of the Land Use Ordinance;" on Page 7. On Page 14 it states, "31. Temporary Events shall last no more than one day each; however, rehearsals may occur the day prior and are not considered an event. Rehearsals shall not include amplified music, and shall be minor in nature and shall be limited to 50 persons maximum."

In the Agricultural and rural residential designations, this is too many events with too many people. They have to install a secondary driveway to handle the traffic which is a permanent alteration to the property. The request is for a use that is not temporary, so a different entitlement process should be required.

5000 attendees annually with 100's of service people, an expanded olive oil and wine tasting room, offices, and residential uses is an overuse of an agriculturally designated property. Again, this does not consider the unlimited number of non-profit events. The application is too commercial for a property in the agricultural and rural residential designations.

The environmental impact from the minor use permit approval for the uses is significant. It will increase noise, traffic, and lighting impacts.

Noise - If you live in the Adelaida or Willow Creek area, you have experienced the amazing way that sounds travels. We can hear music from a winery on Highway 46 when they have their multiday concerts, and we must be at least a mile away. I applaud staff for trying to control the noise with sound level meter readings at the property lines, but if you've ever used a meter they are extremely difficult to use. They need to be frequently calibrated and take training to use correctly. The idea of closing the south doors may help, but who monitors this continually throughout the event. I believe if they want amplified music that permanent solutions need to be enacted like no doors on the south side of the building. Noise consultants can come up with permanent solutions that do not need to be monitored or policed by the owner or the neighbors.

Aesthetics – The Adelaida and Willow Creek areas have a rich Native American history and a settlement history from the mid 1880's. The area has an original school house and cemeteries, landmark oaks, historic homes and barns. Halter Ranch is a great example of a winery that embraced the history of their property and restored the house, barn, and many other agricultural buildings. I would love to see the Pasolivo barn restored or just left in place as it is an iconic piece of history for the site and area.

Aesthetics is a significant concern in the area. There are currently design standards that note that all structures in the Agriculture or Residential rural use categories have an exterior design style that is agricultural or residential in nature. This is a good start as the County has already taken the first step. I have not seen the plans for Pasolivo, but I would hope they have incorporated an agricultural and historic architectural design. Many California counties and cities require design review of projects to make sure they reflect an appropriate architecture for the area. The City of Paso Robles has comprehensive guidelines for many of their districts. It includes review for materials, color, landscaping, signs, etc , Unfortunately, a few wineries have not embraced the historic design theme of the area and have painted all the buildings in there complex pink to compliment the bright blue roofs (referred to as the pancake house by locals) in the middle of a pastoral area or have built a pseudo medieval castle structure on top of a hill. Architectural review is not a new or daring planning concept. Almost all progressive counties and cities do it, especially in sensitive areas.

Signage is part of the aesthetic component. Off-site signage is becoming more popular and multiple temporary banners and flags are being used in the area. Many intersections have a sign or multiple signs of various sizes and material directing people to their wineries. The conditions for a minor use permit should restrict this form of signage. Additionally, there are no specific sign regulations for wineries and Olive Oil venues. The applicant used the "Office and Recreation Category" for signage. This

does not make sense. Additional off site signage conditions should be applied to this application to stop the proliferation and competition of signage.

Traffic and Parking- This is a public health and safety concern. If the 200-300 wineries and olive oil venues all requested oversized tasting rooms and events similar to the current application, the infrastructure of the area would be compromised. A comprehensive planning study needs to be conducted to determine the capacity of the area while retaining our current roadway system. It should not be the intent of the study to widen Vineyard to multiple lanes but to manage uses so that the current system is adequate and the charm and character of the region is preserved.

Lighting in the Adelaida and Willow Creek areas and all of the Wine Country can have a negative impact. Many counties and cities are adopting Dark Sky ordinances to control the pollution from light. A winery on Highway 46 recently installed parking lot lights. The lights are on multiple poles as if it were a 7-11 and they leave them on until 9 or 10 every night even if no one is on-site. There needs to be an ordinance that controls lighting for commercial venues in the Wine Country to include overhead lights and up lighting.

Willow Creek NewCo, LLC is proposing lighting. On Page 11 of the Board report it states, "At the time of application for construction permits, submit a revised lighting plan to the Department of Planning and Building for review and approval. The details shall include the height, location and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent property. Light hoods shall be dark colored. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan: a. No up-lighting of any oak trees and signs." Staff has made a good start with no up-lighting. However, if there are over head lights, although they have shields, they can still light up property to a commercial level. There should be conditions that lighting be turned off at a certain time and the plan should be reviewed at a public meeting as staff does not know the view from the neighbors in the area. There should be no commercial light standards in the agricultural or rural residential zones.

A comprehensive study of the area and draft regulations for noise, signage, building design, lighting, parking, landscaping and other aesthetic considerations should be completed in a collaborative atmosphere with all of the stakeholders.

In summary, the Wine Country of Paso Robles is a pastoral agricultural area with wineries, olive oil processors, farms, horse and cattle ranches, rural residential and other agricultural uses. The wineries and olive oil venues have been expanding their businesses to include weddings and rehearsals, art shows and lessons, lunch service, hikes, tours, large dinners, music festivals, helicopter and balloon rides and many other events. There are between 200-300 wineries and olive oil venues in the Paso Robles Wine Country and no ordinance that directly manages their uses and orderly development.

Please deny or continue the approval of the temporary uses for DRC2013-00028 and direct staff to undertake a comprehensive study of the area and come up with guidelines and ordinances to protect all the stakeholders in this unique and wonderful area of the County. A comprehensive study should

include bringing all those interested in the prosperity and preservation of the area together for input into a mutually satisfactory plan for the area.

Please make this letter a part of the permanent record.

Thank you for your consideration of my request. I am willing to help in any way I can at agriselle@gmail.com

Sincerely,

Alice G. Griselle



Pasolivo

Vicki Shelby to: Board of Supervisors, Cherie McKee, Jocelyn Brennan, Hannah Miller, Jennifer Caffee

06/01/2015 10:08 AM

Cc: cr_board_clerk Clerk Recorder

Good Morning all,

We received a call from Cherie Nelson who lives on Adelaida Rd. She is concerned (against) this project and the impacts it will have on an already busy roadway.

Vicki M. (Shelby) Fogleman
Legislative Assistant for
First District Supervisor Frank R. Mecham
1055 Monterey St., D430
San Luis Obispo CA 93408
(805) 781-4491/FAX (805) 781-1350

email: vshelby@co.slo.ca.us

"Thinking a smile all the time will keep your face youthful" - Frank G. Burgess
"Wrinkles should merely indicate where smiles have been" - Mark Twain



Fw: June 2nd Board Meeting - Appeal of Minor Use Permit DRC 2014-00028

Vicki Shelby to: Board of Supervisors, cr_board_clerk Clerk
Recorder, Cherie McKee, Jocelyn Brennan,
Hannah Miller, Jennifer Caffee

06/01/2015 10:10 AM

Vicki M. (Shelby) Fogleman
Legislative Assistant for
First District Supervisor Frank R. Mecham
1055 Monterey St., D430
San Luis Obispo CA 93408
(805) 781-4491/FAX (805) 781-1350

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----- Forwarded by Vicki Shelby/BOS/COSLO on 06/01/2015 10:10 AM -----

From: Alice Griselle <agriselle@gmail.com>
To: fmecham@co.slo.ca.us
Cc: vshelby@co.slo.ca.us
Date: 06/01/2015 10:09 AM
Subject: June 2nd Board Meeting - Appeal of Minor Use Permit DRC2014-00028

Dear Supervisor Mecham,
Please read the attached letter regarding the item that will be before you on Tuesday. If you have any questions or concerns, please feel free to contact me at 626-833-7029 or by e-mail.
Sincerely,



Alice Griselle SLO letter 2.docx

May 30, 2015

RE: Appeal of DRC2013-00028/8530 Vineyard Drive, Paso Robles/Willow Creek NewCo, LLC

Dear Supervisor Mecham:

Please uphold the appeal of the approval of a minor use permit allowing an excessive number of events in the Agriculture/Rural Residential general plan land use designation and zone by denying or continuing the request for "temporary events".

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A comprehensive study of the area and draft regulations for noise, signage, building design, lighting, parking, landscaping and other aesthetic considerations should be completed in a collaborative atmosphere with all of the stakeholders.

In summary, the Wine Country of Paso Robles is a pastoral agricultural area with wineries, olive oil processors, farms, horse and cattle ranches, rural residential and other agricultural uses. The wineries and olive oil venues have been expanding their businesses to include weddings and rehearsals, art shows and lessons, lunch service, hikes, tours, large dinners, music festivals, helicopter and balloon rides and many other events. There are between 200-300 wineries and olive oil venues in the Paso Robles Wine Country and no ordinance that directly manages their uses and orderly development.

Please deny or continue the approval of the temporary uses for DRC2013-00028 and direct staff to undertake a comprehensive study of the area and come up with guidelines and ordinances to protect all the stakeholders in this unique and wonderful area of the County. A comprehensive study should

include bringing all those interested in the prosperity and preservation of the area together for input into a mutually satisfactory plan for the area.

Please make this letter a part of the permanent record.

Thank you for your consideration of my request. I am willing to help in any way I can at agriselle@gmail.com

Sincerely,

Alice G. Griselle



**Fw: Agenda Item 33 on June 2, 2015 Board agenda - Appeal of
DRC2013-00028/8530 Vineyard, PR**

Vicki Shelby to: Brennan, Hannah Miller, Jennifer Caffee,
cr_board_clerk Clerk Recorder

06/01/2015 10:12 AM

Vicki M. (Shelby) Fogleman
Legislative Assistant for
First District Supervisor Frank R. Mecham
1055 Monterey St., D430
San Luis Obispo CA 93408
(805) 781-4491/FAX (805) 781-1350

email: vshelby@co.slo.ca.us

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"Wrinkles should merely indicate where smiles have been" - Mark Twain

----- Forwarded by Vicki Shelby/BOS/COSLO on 06/01/2015 10:11 AM -----

From: Alice Griselle <agriselle@gmail.com>
To: fmecham@co.slo.ca.us
Cc: vshelby@co.slo.ca.us
Date: 05/31/2015 10:53 AM
Subject: Agenda Item 33 on June 2, 2015 Board agenda - Appeal of DRC2013-00028/8530 Vineyard, PR

Dear Supervisor Mecham,
Please take time to read the attached letter. It is of vital importance to preserving the quality of life for those of us that reside in the Adelaida and Willow Creek areas of your district.
Thanks for any help you can give us.
Respectfully,
Glenn Faulk



letter1 SLO 2015.docx

May 30, 2015

Subject: Appeal of DRC2013-00028/ 8530 Vineyard Drive, Paso Robles/Willow Creek NewCo, LLC

Dear Supervisor Mecham:

I am writing to you in support of the denial or modification of the minor use permit for Willow Creek NewCo, LLC of Costa Mesa and upholding of the appeal.

The primary objection is the minor use permit which allows 20 events (reduced from a request of 25) of 200 people, 20 rehearsals of 50 people, and an unlimited number of non-profit events is an unreasonable request. Pasolivo could have over 3 events a month for a year not including the non-profit events or have 30 events in one month. The report notes that authorization shall remain valid for a period of 10 years from the effective date. This is not an approval for "temporary events".

I read in the Planning file that,

"In 2009, the County of San Luis Obispo Board of Supervisors provided an interpretation on a Temporary Event definition, time limits and relation to Agriculture and Ag Policy 6". This agriculture and rural residential area has changed since 2009 with many family owned wineries and orchards being bought by corporations. The owners no longer live on site or have homes in other locations and only spend a small percentage of their time in the Paso Robles area. I mention this because the desire and necessary capital for commercial operations such as serving lunch, tasting rooms, cooking lessons, symposiums, conferences, retail sales and events such as weddings and rehearsals, music festivals, helicopter rides, large dinners under huge tents with dancing, tours of caves and vineyards, hikes, and similar events is here and being invested. A minor use permit was approved for Pasolivo in 2007 and vested in 2012 for a public tasting component with a special event program with up to 6 events a years with a maximum of 80 attendees. It is unclear from the records if the "special event program" was approved in 2007 or vested in 2012 but this is a much more reasonable request and I imagine more closely reflects the Board of Supervisors interpretation of the Temporary Events definition in 2009.

Fast forward six years to 2015, the continued popularity and investment in the Paso Robles Wine Country calls for a revision of the ordinances and laws that control temporary events. As in reality, they are not temporary but have special use buildings such as the tasting rooms, outdoor patios, guest bathrooms and the potential for thousands of visitors annually. For example, this application has the potential for 5000 people (4000 event/1000 rehearsal) plus an unlimited number of nonprofit event attendees. This is in addition to the olive oil tasting room that is open 7 days a week. To put it in perspective, most commercial businesses and offices located in commercial zones do not have this kind of traffic even within the City of Paso Robles.

Here are the 2009 Board of Supervisor findings and the determination of why the decision that found DRC2013-00028 in compliance with the findings is wrong and oversteps the authority given by the Board.

“2. The Board of Supervisors makes the following interpretation regarding the application of Section 22.30.610 of the Land Use Ordinance, Title 22 of the County Code:

- a. That a single Minor Use Permit can authorize multiple temporary events per site and the Review Authority will set a finite time limit for the life of the permit as part the action taken on the permit.”**

The proposal by Willow Creek NewCo, LLC is that the temporary event permit run with the land as the events are “associated with, and supportive of, an on-going commercial agricultural operation”. The report notes that “This authorization for Temporary Events, once vested, shall remain valid for a period of 10 years from its effective date:” The Supervisors already determined in 2009 that the Review Authority will set a finite time limit for the life of the permit. I would argue that 10 years for a temporary use is being made in direct conflict with the Supervisor’s intent. It is also hard to make the case that weddings, rehearsals, and corporate dinners are supportive of the olive oil agricultural business.

Additionally, county or city ordinances and laws dealing with temporary or special events are minor use permits (MUP) or conditional use permits (CUP) routinely impose a six month review with notice to property owners within a potentially affected distance to determine if the conditions are adequate and that the applicant is abiding by the conditions. For example, are they turning off the amplified music at 9 pm or waiting until 10 pm when the Sheriff’s Department enforces noise violations. If at the 6 month review, the conditions are being met, then an annual review is required. However, if violations occur then the MUP or CUP can be modified or revoked. This is clearly written in the conditions for the applicant so there is no mistaking that the permit can be modified or revoked if violations occur. A list of the kind of event, date and time with the maximum number of people should be submitted to the Planning Department so that there is accountability. A planner should be assigned to periodically check if there are violations or legitimate complaints to warrant review of the MUP. Staff is recommending that the neighbors be the enforcers of the rules by having to contact an on-site operator if they have issues with the events. They also write that “contact information for county Code Enforcement to be used if members of the public have complaints about the operation”. It should be a 7 day a week, 9 am to midnight number and the officer should respond to document the complaint. The residents cannot be and should not be the enforcers of a minor use permit. Temporary events are allowed to go from 10 am and end by 10 pm each day. Amplified music must stop by 9 pm. Guests must leave by 10:30 pm. I ask you all if you’d like to have the potential for multiple events every month to take place next to where you live with amplified music from 10 am to 9 pm.

- b. “That Temporary Events are defined as “any use of a structure of land for an event for a limited period of time where the site is not to be permanently altered by grading or**

construction”. That the use of existing structures temporarily during events, and grading not required a grading permit, does not constitute permanent alteration of the site. Also, that the interior remodeling of an existing structure that is limited to that needed to meet building occupancy and ADA requirements without expanding the building footprint, is not permanent alteration of the site. “

Willow Creek NewCo, LLC notes that they are completing all the improvements for their agricultural business regardless of the approval of the temporary uses. This will allow the Board to more easily deny or continue the discussion on the temporary uses. Approval of the temporary uses is not necessary for the agricultural portion of the project to go forward.

With that said, the property will be impacted by the event types that they are proposing such as weddings, rehearsals, corporate dinners, culinary and art shows, and the unlimited nonprofit events. The parking area will have to sustain parking for up to 200 attendees, plus caterers, musicians, and all the other service people that go along with an event. Water, septic, and trash services will all need to be upgraded. A condition of the County is to open the second access on to Vineyard Drive before the events start. This is pretty clear evidence that the new driveway is also for servicing the events and thus a permanent alteration of the site. I do believe it is good not to pave the event parking but there should be a condition that the parking must have parking attendants and traffic control. A condition should also be added that if this area ever has material laid such as decomposed granite, asphalt or any other material it should be required to have an amendment to the minor use permit.

- c. “That the applicable Review Authority shall continue to make a determination of what constitutes primary agricultural use and allowable secondary and incidental uses on a case by case basis in consultation with the Agriculture Department pursuant to existing Agriculture and Open Space Policy 6.”**

In the Planning file, I did not find the Agriculture Department determination. However, the annual potential for 5000 attendees with all the event support staff in conjunction with a seven day a week olive oil tasting room is a commercial venue in an agricultural and rural residential land use and zone. This number does not include the unlimited number of nonprofit events that could take place on the site. Additionally, the wording referring to uses , “hypothetically and not limited to” should be eliminated. The County should specifically list the uses allowed. A carnival is an example of a use that is not compatible in an agricultural and rural residential area, and could be allowed under this approval if they restricted the attendees to 200 at any one time.

Pasolivo should be primarily an agricultural use and not a tourist destination first. Weddings and rehearsals do not support the agricultural use. The uses need to be specific and 40 events (20 +20 rehearsal) not including nonprofit events is over 3 events a month, and has the potential to greatly impact the area with traffic, noise, light, etc.

I implore you to protect the property rights of those who live in Paso Robles Wine Country. Many have spent their entire lives in the area or spent retirement savings to live in a rural residential and agricultural area. The noise, traffic, light, and disruption cause by this request and future requests

compromises the resident's quality of life. It threatens the current pastoral appeal of the area for residents and tourists.

Please continue your decision on the event portion of this application in order to give it your full consideration and allow staff to give you a comprehensive 2015 report on the Paso Robles Wine Country. It should analyze the consequences of up to 200-300 existing wineries and olive producers holding special events for thousands of people annually.

Respectfully,

Glenn A. Faulk
Retired Firefighter



Fw: NO event center on vineyard dr

Vicki Shelby to: cr_board_clerk Clerk Recorder, Board of Supervisors, Cherie McKee, Jocelyn Brennan, Hannah Miller, Jennifer Caffee

06/01/2015 10:12 AM

Vicki M. (Shelby) Fogleman
Legislative Assistant for
First District Supervisor Frank R. Mecham
1055 Monterey St., D430
San Luis Obispo CA 93408
(805) 781-4491/FAX (805) 781-1350

email: vshelby@co.slo.ca.us

"Thinking a smile all the time will keep your face youthful" - Frank G. Burgess
"Wrinkles should merely indicate where smiles have been" - Mark Twain

----- Forwarded by Vicki Shelby/BOS/COSLO on 06/01/2015 10:12 AM -----

From: Dorian Michael <dm1@impulse.net>
To: vshelby@co.slo.ca.us
Date: 05/30/2015 07:37 AM
Subject: NO event center on vineyard dr

this is an emphatic NO on a permit for an event center at pasolivo. its not AG its not residential. its something to be built in a commercial district. maybe if the olive oil business doesnt support the ownership of that land let them sell to a ...farmer!... who does...agriculture!...in an ag zone. otherwise what good is zoning?! (which is a question i have asked for years around here)

we live on vineyard precisely to not have the noise that this place will bring. we dont live in paso proper because of the noise from the fair that can be heard all over town for two weeks. and now you want to bring it out to us? no thanks at all. (we know how sound travels, we hear the "beaverstock" event from castoro and thats miles away, i dont care what the decibel regulations are, no one, thats no one, follows them)

and as a musician, thats right i make my living at this party stuff, i know that no one tells the band to turn down once they get drunk. and they dont drive out vineyard to not get drunk. and the nonsense about not playing past a certain time? i know what overtime is. its when the neighbors want to call the cops.

and yes traffic is an issue and once you give these greedy folks a permit each and every corporate entity that has infiltrated the area already is going to get one. this county has already gone past the rational in terms of winery development. this kind of thing is really dragging the area down.

this place will be a problem for the residents. allowing this thing to be forced on the neighbors who dont want it is an injustice, thats right, an injustice. the people of your district need representation, not some orange county corporation.

Agenda Item No: 33 • Meeting Date: June 2, 2015
Presented By: Dorian Hachigian
Rec'd prior to the meeting & posted on: June 01, 2015

you know, one might suggest they could buy that fox theater building downtown
paso and throw parties there every day...

dorian hachigian

paso robles



Fw: County File Number DRC2013-00028
Vicki Shelby to: cr_board_clerk Clerk Recorder

06/01/2015 10:16 AM

Vicki M. (Shelby) Fogleman
Legislative Assistant for
First District Supervisor Frank R. Mecham
1055 Monterey St., D430
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email: vshelby@co.slo.ca.us

"Thinking a smile all the time will keep your face youthful" - Frank G. Burgess
"Wrinkles should merely indicate where smiles have been" - Mark Twain

----- Forwarded by Vicki Shelby/BOS/COSLO on 06/01/2015 10:16 AM -----

From: Gail Weage <wgail@mac.com>
To: fmecham@co.slo.ca.us, bgibson@co.slo.ca.us, ahill@co.slo.ca.us, lcompton@co.slo.ca.us, darnold@co.slo.ca.us
Cc: vshelby@co.slo.ca.us, cmckee@co.slo.ca.us, hmillier@co.slo.ca.us, jbrennan@co.slo.ca.us, jcaffee@co.slo.ca.us
Date: 05/29/2015 03:14 PM
Subject: County File Number DRC2013-00028

To: Board of Supervisors

I would like the following comments to be included in the record.

Having lived in this location for 33 years, I have seen many changes occur (some good & some bad). The Vineyards, of course, have been the major change and that has caused the water aquifer to recede to the point of my having lost many of my walnut trees due to lack of water required for dry farming. The vineyards have changed the local landscape, but they are still agriculture. Agriculture is what makes this area of Paso Robles so desirable and draws cyclists, car rallies & etc. to enjoy the atmosphere.

The proposed event center at 8530 Vineyard Drive would definitely change the zoning for this area and be a detriment to beautiful and peaceful countryside.

Vineyard is a winding country road that is dangerous to visitors that are not aware of the many curves they encounter. My neighbor has had to stop and remove dead deer from the roadway many times when visitors don't even stop to see if the animal is dead or still suffering after they hit them.

There is one (1) deer crossing sign on vineyard that has a picture of a deer and under that the words 1 mile. This is so ridiculous to think the deer will only cross in that one mile. The entire length of Vineyard should be posted. But even that won't stop the speeding tourists from killing our wildlife.

In addition, because this is a farming community, the traffic on Vineyard includes large farm equipment being moved from one location to another, cattle and other livestock crossing the road to be moved between fields, and etc.

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Presented By: W. Gail Weage
Rec'd prior to the meeting & posted on: June 01, 2015

I also believe an event center of this size is in direct opposition of the Williamson Act provided for the agricultural community.

I hope you will consider, very carefully, all the problems that could occur with approval of the subject file number.

W. Gail Weage

Paso Robles, CA 93446



Fw: Pasolivo application

Board of Supervisors, Cherie McKee, Jocelyn
Frank Mecham to: Brennan, Hannah Miller, Jennifer Caffee,
cr_board_clerk Clerk Recorder

06/01/2015 11:08 AM

Sent by: **Vicki Shelby**

Frank R. Mecham
District 1 Supervisor
1055 Monterey St. Rm. D430
San Luis Obispo, CA 93408
(805) 781-5450

FMecham@co.slo.ca.us

----- Forwarded by Vicki Shelby/BOS/COSLO on 06/01/2015 11:07 AM -----

From: "Blythes" <ldblythe1@gmail.com>
To: <fmecham@co.slo.ca.us>
Date: 06/01/2015 10:11 AM
Subject: Pasolivo application

Hi Frank,

I wanted to add my 2 cents to the Pasolivo request.

This seems like an attempt by a neighbor to dictate what someone else can do with their property. I feel confident that you will look at the facts and make an informed decision.

It is sometimes difficult in this type of situation for those of us outside of the issue to fully understand all of the facts but I have a real tough time with a "neighbor" trying to involve themselves to such an extent as this seems to be.

I do feel strongly that we need to support our neighbors in their attempt to make a living in our community.

Don Blythe



Fw: Hearing Item 33 on June 2, 2015 - Minor Use Permit (DRC2013-00028) - 8530 Vineyard Drive

cr_board_clerk Clerk Recorder, Board of
Frank Mecham to: Supervisors, Cherie McKee, Jocelyn
Brennan, Hannah Miller, Jennifer Caffee
Sent by: **Vicki Shelby**

06/01/2015 11:09 AM

Frank R. Mecham
District 1 Supervisor
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San Luis Obispo, CA 93408
(805) 781-5450

FMecham@co.slo.ca.us

----- Forwarded by Vicki Shelby/BOS/COSLO on 06/01/2015 11:09 AM -----

From: Ted and Nancy Commerdinger <tedandnancyc@sbcglobal.net>
To: "fmecham@co.slo.ca.us" <fmecham@co.slo.ca.us>
Cc: "htrout@pasolivo.com" <htrout@pasolivo.com>
Date: 05/31/2015 02:08 PM
Subject: Hearing Item 33 on June 2, 2015 - Minor Use Permit (DRC2013-00028) - 8530 Vineyard Drive

Attn: Supervisor Frank Mecham fmecham@co.slo.ca.us

Re: Hearing Item 33 on June 2, 2015 – Minor Use Permit (DRC2013-00028) - 8530 Vineyard Drive

Dear Supervisor Mecham,

I am writing in response to express my opinion regarding the Minor Use Permit (DRC2013-00028) for the property at 8530 Vineyard Drive. My husband and I have been customers and have greatly enjoyed Pasolivo products for over 10 years. We have visited the SLO County area for the past for 35 years and have recently purchased a second home in the Atascadero area.

Upon reading the letter sent to nearby neighbors by Ms. Trout, the manager at Pasolivo, I felt it was necessary to express my opinion on the minor use permit. My husband and I live in Orange County and will not be in town this week, otherwise, we would be attending the public hearing to give our support to Pasolivo's request. We are very familiar with the property and believe the plan to build a new tasting room on the footprint of the barn (including plans to repurpose the wood, fixtures and tin from the barn) is something that the property owners have a right to do. It appears that the owners have done their due diligence, gone through the proper process in working with the County of San Luis Obispo and the Planning Dept. and received the proper permits to construct the new tasting room and repurpose the barn. The owners went so far as to hire and pay for a historical evaluation of the barn to make sure that they were not removing

Agenda Item No: 33 • Meeting Date: June 2, 2015
Presented By: Nancy Commerdinger
Rec'd prior to the meeting & posted on: June 01, 2015

a building with historical relevance.

As new homeowners in Atascadero, we would go through the proper permit process to do any upgrades on our property just as Pasolivo is doing. The fact that neighbors could place a restraining order before we could build clearly would take away from the personal rights of a property owner to do what they wish to do on their own property (within the confines of established codes and ordinances). I also understand the rights of the appellants to exercise their rights and do not besmirch their actions, but question their (or others) motivation to do so.

However, in the spirit of neighborly relations, I would like to think that if nearby neighbors had a problem with our building or upgrading our property that they would speak to us first. It appears that that did not occur between the Websters, Jolliffe and Runyen, neighbors to Pasolivo. Instead, they felt it necessary to go through a legal process without giving Pasolivo an opportunity to present its building plans. That aside, Pasolivo has been, through both of its ownership iterations, a great provider of farm to table products, a business that has invested in the economic development of this county and one that wishes to further develop this investment. The scope of this investment is minor (hence the minor use permit), but the long term benefit to the community is large.

I support the granting of the minor use permit as your staff did and would ask that you deny the appeal made by the Websters and others; whether that appeal truly comes from them or others who are merely utilizing them for a conduit in a greater plan to compete with Pasolivo or defeat their expansion plans to gain market share either now or in the future. SLO County is a wonderful place and economic development is a great generator in helping create that. I'd ask that you simply celebrate Pasolivo's willingness to further invest in our area and deny the appeal. Thank you for your time, attention and consideration of my opinion.

Nancy Commerdinger

Atascadero, CA & Garden Grove, CA



Fw: Concerns regarding Pasolivo CUP

Frank Mecham to: cr_board_clerk Clerk Recorder
Sent by: **Vicki Shelby**

06/01/2015 11:17 AM

Frank R. Mecham
District 1 Supervisor
1055 Monterey St. Rm. D430
San Luis Obispo, CA 93408
(805) 781-5450

FMecham@co.slo.ca.us

----- Forwarded by Vicki Shelby/BOS/COSLO on 06/01/2015 11:17 AM -----

From: kathy stone <kathyg51@hotmail.com>
To: "bgibson@co.slo.ca.us" <bgibson@co.slo.ca.us>, "ahill@co.slo.ca.us" <ahill@co.slo.ca.us>, "darnold@co.slo.ca.us" <darnold@co.slo.ca.us>, "lcompton@co.slo.ca.us" <lcompton@co.slo.ca.us>, "fmecham@co.slo.ca.us" <fmecham@co.slo.ca.us>
Date: 05/30/2015 01:57 PM
Subject: Concerns regarding Pasolivo CUP

San Luis Obispo County Board of Supervisors:

The Willow Creek area has exploded in recent years in a positive way with world-class wineries, top-notch events, and charming B&B's. It's been great for business owners, tourists, and the property values of homeowners. However, I am concerned that growth and development can reach a saturation point where negative impacts begin to eat away at the positive.

Unchecked growth can adversely affect the quality of life, whether in the city or out in the country. Before that tipping point is reached, I believe there should be a moratorium placed on new business ventures and the expansion of existing ones in the Willow Creek area. This would provide a cooling off period to study in depth the following impacts on this agricultural/rural/residential area:

- Traffic
- Water use
- Fire hazards
- Light and noise pollution
- Aesthetic considerations

Just as important as impacts is the issue of responsible enforcement of codes and conditional use permits. If neighbors have an issue with an event center, how is that resolved in an effective and expedient way? Rules and regulations are only as good as their enforcement.

Agenda Item No: 33 • Meeting Date: June 2, 2015
Presented By: Kathy Stone
Rec'd prior to the meeting & posted on: June 01, 2015

In conclusion, I ask you to look closely at the overall long term plan for growth in SLO County, the specific impacts of expanding event centers in agricultural/rural/residential areas, the enforcement plan for new and existing codes and ordinances, and the possibility of a moratorium to do so.

Kathy Stone
Willow Creek Property Owner



Fw: Pasolivo

Frank Mecham to: Board of Supervisors, cr_board_clerk Clerk
Recorder, Cherie McKee, Jocelyn Brennan,
Hannah Miller, Jennifer Caffee

06/01/2015 11:17 AM

Sent by: **Vicki Shelby**

Frank R. Mecham
District 1 Supervisor
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San Luis Obispo, CA 93408
(805) 781-5450

FMecham@co.slo.ca.us

----- Forwarded by Vicki Shelby/BOS/COSLO on 06/01/2015 11:17 AM -----

From: Yvonne Helms <yvonnehelms74@gmail.com>
To: fmecham@co.slo.ca.us
Date: 05/30/2015 12:31 PM
Subject: Pasolivo

Dear Supervisor Mecham,

We are writing to you today to vocalize our support of the Pasolivo Minor Use Permit.

We, as a family, have visited Pasolivo many times in the two decades we have lived here in the county and have enjoyed ourselves immensely every time. They are a wonderful day destination for locals and out-of-towners alike.

It makes us very sad that the owners of such a wonderful establishment is facing such unfair opposition. It almost makes you wonder why anyone would try to run a business in this county... Such litigious behavior from the Webster's is down right un-neighborly.

We sincerely hope that on June 2 you do whatever you can to help Pasolivo remain a SLO County mainstay and allow it to grow in the way any successful business should.

Thank you for your time and consideration,

George, Yvonne and Alex Helms

Atascadero



Fw: Historic barn on Vineyard

Board of Supervisors, cr_board_clerk Clerk

Frank Mecham to: Recorder, Cherie McKee, Jocelyn Brennan,
Hannah Miller, Jennifer Caffee

06/01/2015 11:19 AM

Sent by: **Vicki Shelby**

Frank R. Mecham
District 1 Supervisor
1055 Monterey St. Rm. D430
San Luis Obispo, CA 93408
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FMecham@co.slo.ca.us

----- Forwarded by Vicki Shelby/BOS/COSLO on 06/01/2015 11:18 AM -----

From: Teresa Allen <tallenx12@gmail.com>
To: "fmecham@co.slo.ca.us" <fmecham@co.slo.ca.us>
Date: 05/29/2015 04:05 PM
Subject: Historic barn on Vineyard

Dear Frank. I am writing, for the record, to lodge my complaint regarding the impending intention of Pasolivo olive ranch to raze the historic barn on its property. As a longtime Paso resident, I am appalled by the vision of the new owners of this once quaint business. The razing of the barn is just symbolic of the kind of changes quietly taking place behind closed doors to change this once bucolic area into another Napa Valley. Change is inevitable to some extent as our county is discovered by business interest. My biggest problem is the deceptive ways in which Pasolivo has launched its agenda and the strong arm tactics used by owners who have unlimited capital to push through its plans. I am one of many longtime Paso residents who are concerned about the vision of the olive ranch, and in particular, I ask that you speak for us to stop the destruction of the historic barn. I plan to be at the hearing on June 2 when the Board takes up this issue. I would like this letter to be counted in opposition to Pasolivos plans to destroy the barn.

Sincerely,
Teresa Allen

Paso Robles, CA

Sent from my iPhone



Fw: Pasolivo Support

cr_board_clerk Clerk Recorder, Board of
Frank Mecham to: Supervisors, Cherie McKee, Jocelyn
Brennan, Hannah Miller, Jennifer Caffee

06/01/2015 11:19 AM

Sent by: **Vicki Shelby**

Frank R. Mecham
District 1 Supervisor
1055 Monterey St. Rm. D430
San Luis Obispo, CA 93408
(805) 781-5450

FMecham@co.slo.ca.us

----- Forwarded by Vicki Shelby/BOS/COSLO on 06/01/2015 11:19 AM -----

From: "L'Aventure Winery" <stephanwines@tcsn.net>
To: <fmecham@co.slo.ca.us>
Date: 05/29/2015 02:40 PM
Subject: Pasolivo Support

Dear Frank,

I undersign Stephan Asseo, Owner and Grower of L'Aventure Winery in Paso Robles for 17 years. I am corresponding with you today to support the Pasolivo Project. This beautiful entity was one of, if not the, pioneer of the olive oil industry in this area showing to the visitors the potential of Paso in the best way. I think that on the side of the wine industry, this kind of property can show the best of Paso Robles and bring to us positive traffic which is good for the city but also for all of San Luis Obispo County.

I do not understand how one neighbor can block the whole project when they have done everything right from the very start and they have all the potential on site to update their business. If I understand the project well, they do not want to grow or double the size of their production but just make their place nicer and more welcoming to be able to take better care of the visitor.

Knowing that the county supported me when I was in the same dynamic (thank God I had some good neighbors) and knowing that you always supported this kind of initiative, I will ask you to

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Presented By: Stephan Asseo
Rec'd prior to the meeting & posted on: June 01, 2015

influence and explain to your colleagues that there is nothing wrong with this project and that it is a good one for everybody.

Unfortunately, I will not be able to attend the June 2nd meeting but through this email I wanted to show my heavy support.

Warm regards,

STEPHAN ASSEO

Stephan Vineyards, Inc. dba L'Aventure