

Letter of Transmittal

Date: April 22, 2015
To: County of SLO Planning- Donna Hawkins
RE: Third Time Extension Request
Minor Use Permit- DRC2009-00109- Wallace Brohaugh

Donna,

Please accept this transmittal as a formal request for a third time extension request for Minor Use Permit DRC2009-00109. This time extension is requested in order to allow time to continue with building permit plan check and construction associated with tenant improvements to convert the existing barn into commercial occupancy for purposes of wine processing, storage and tasting.

Section 22.64.070 of the LUO, B1 to B3, provides up to three, one-year time extensions, with the third extension requiring Planning Commission approval. The Planning Commission may grant a third time extension so long as it can make the findings listed below:

Substantial Work (B1)

Substantial work could not be completed within the allotted timeframe because of circumstances beyond the control of the applicant (economic and financial hardship).

Findings for Previous Time Extensions (B2)

The finding can be made for the third time extension relevant to those additional time extension findings set forth in Section 22.64.070, B2, since pertaining to this project:

- (1) There have been no changes to the provision of the Land Use Element or Land Use Ordinance applicable to the project since the approval of the land use permit; or
- (2) There have been no changes in the character of the site or its surroundings that affect how the standards of the Land Use Elements or Land Use Ordinance apply to the project; or
- (3) There have been no changes to the capacity of the community resources including but not limited to water supply, sewage treatment or disposal facilities, road or schools such that there is no longer sufficient remaining capacity to serve the project.

A Minor Use Permit-DRC2009-00109 was required for the conversion of an existing ag barn for wine processing and storage uses. This Minor Use Permit was approved on 5/20/11 (includes appeal period) for the following project:

**BROHAUGH / DRC2009-00109
EXHIBIT B - CONDITIONS OF APPROVAL**

Approved Development:

1. This approval authorizes the following:
 - a. Conversion of an existing 2,000 sq.ft. agricultural barn into a wine processing facility to include a 500 sq.ft. tasting room;
 - b. Six special events per year with up to 80 guests,
 - c. Wine industry events as allowed by land use ordinance and unadvertised events for no more than 50 people;
 - d. Outdoor amplified music is allowed from 10 a.m. to 5 p.m.;
 - e. Maximum wine production of 5,000 cases annually from on-site and off-site grapes.

Since this time, two, one year time extensions have been filed for the use permit. The owner has contracted with a local architect and is currently compiling construction documents to be submitted to the County of San Luis Obispo Planning and Building Department soon. The owner will need another year to obtain a permit and start construction.

Findings for Original Approval still apply (B3)

The same findings that were required with the initial approval and contained in the DRC2009-000109 Notice of Final Action are still applicable and are listed as Findings – Exhibit A, Items A to F:

EXHIBIT A - FINDINGS

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on March 24, 2011 for this project. Mitigation measures are proposed to address Agricultural Resources, Air Quality, and Transportation/ Circulation and are included as conditions of approval.

Minor Use Permit

- B. The proposed project is a winery with tasting room is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies including the agricultural and open space policies and the Williamson Act contract.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the winery with tasting room does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the winery with tasting room will not conflict with, the surrounding lands and uses.
- F. The proposed winery with tasting room will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project because the project is located on Creston Road., a collector road constructed to handle any additional traffic associated with this project.

Please notify me when the Planning Commission hearing date is scheduled.

Thank you,

Mandi Pickens
Kirk Consulting