

May 23, 2016

Planning Commissioners
c/o County Planning Department
via email to rhedges@co.slo.ca.us

RE: Kiler Ridge Olive Farm, DRC2013-00096
Response to staff's comments

Dear Commissioners,

Please find attached:

1. A response to staff's comments regarding operating hours for Kiler Ridge
2. Detailed analysis of the similarities between producing olive oil and producing wine
3. Discussion on the Land Use Ordinance requirements, the Agricultural Commissioner's referral response and the Agricultural and Economic Elements' applicable polices
4. Explanation of APCD's condition # 27
5. Discussion on "Events" and proposed activities

If you have any questions or concerns, please contact me at 805-801-0453 or planningsolutions@charter.net

Thank you,



Pamela Jardini
Planning Solutions

May 21, 2016

Planning Commissioners
c/o County Planning and Building Department
via email

RE: Operating hours for Kiler Ridge Olive Farm's tasting room and limited food service restaurant, DRC2013-0096

Dear Commissioners,

The Planning Department recommended limiting the hours of operation for Kiler Ridge Olive Farm's tasting room and the limited food service restaurant to 3 days a week from 11 a.m. to 5 p.m. The staff report prepared for the February 11, 2016 Planning Commission hearing contains staff's reason for their recommendation. Staff states in their report the following:

On site agricultural production of olive milling is very limited due to the short milling season. Therefore, it is staff opinion that the tasting room/restaurant/limited food service facility will become the visitor serving use on site. Staff is in full support of the agricultural processing of olives but is not in support of a restaurant/limited food service facility use which is larger than allowed by the ordinance with extended hours. Staff would however support a very limited tasting room/restaurant/limited food service facility with limited size and hours of operation. We would support 3 days per week and limited operating hours from 11 a.m. to 5 p.m.

Additionally, Mr. Bill Robeson, Deputy Director, stated at the hearing on March 24, 2016 that staff's recommendation for these limited hours was generated by an analysis of the difference between the wine industry and the olive oil industry. No written analysis was included in staff's report. However, Mr. Robeson stated:

"She [the applicant's agent] mentioned olive oil processing was the same as wine processing and that this was not true either. Wine processing is throughout the year – it is a constant process while olive oil processing is not. Aging and barreling and all types of activities go with wine. So for us [Planning staff] to make the determination that the restaurant [Kiler Ridge's limited food service restaurant] and all the activities are still incidental is very difficult to make because there is a finite period of time for the harvest and processing time for olive oil to take place versus a year round production with wine and that these are the type of things we [Planning staff] consider." (Audio of the March 24, 2016 hearing at 6:20:00 to 6:22:59 approximately)

Staff's determination that "wine processing is throughout the year – it is a constant process while olive oil processing is not" is counterfactual. Producing olive oil is a year-round process; the year-round management of the orchard operations was specifically addressed by Ms. Audrey Burnam at the hearing on March 24 and by public testimony at both previous hearings. Staff's concern that the tasting room and the limited food service restaurant will become the visitor serving use on-site is unsubstantiated.

Staff stated that “it was very difficult to make a determination” that the tasting room and the limited food service restaurant are incidental to the existing milling and orchard operations on-site yet they did make a determination. Their recommendation is contrary to the Agricultural Commissioner’s referral response and contrary to their Mitigating Negative Declaration.

The following short summary comparing the two agricultural processes attest that creating olive oil is a year round process just like wine-making and it should be afforded all the retail and tasting opportunities as the wine industry.

A detailed comparison analysis of the two industry’s processes follows this short comparison summary and includes a snapshot of Kiler Ridge’s year round farming activities.

Short Comparison Summary

Kiler Ridge’s harvest time is from October through January (A. Burnam, personal communication, August 2013) Harvest time for grapes is typically from late August through October (www.winefolly.com) The majority of Northern Hemisphere harvesting occurs in late August to early October with some late harvest wine grapes being harvested throughout the autumn (www.en.wikipedia.org) The harvest time for grapes and olives is approximately the same – four months.

After harvest, olives are milled and grapes are crushed; both these activities occur immediately after harvest (www.oliveoilsource.com) (www.winefolly.com).

After olives are milled, the oil must rest in stainless steel tanks for several months before being racked and filtered. Racking separates the sediment from the olive oil (www.oliveoilsource.com). For making wine, yeast is added to the juice from the grapes to encourage fermentation and then the wine is aged between several months to years in barrels or tanks (www.winefolly.com).

Both fruits, olives and grapes, can be blended or kept as a single varietal (en.wikipedia.org). For olive oil, blending occurs from December through August [Burnam. A. (2016, April 10) email interview]. Both industries bottle and label their product. However, olive oil is bottled year round because storage in tanks preserves the quality of the oil better than in bottles (ibid).

In addition to the process of making olive oil or wine, there is the on-going management of the orchards or vineyards in both industries. Both industries require pest, weed, and disease management (www.uky.edu) (www.oliveoilsource.com). The olive trees and the grape vines must be pruned and their irrigation system repaired and maintained. Soils must be tested to diagnose nutrient problems and corrective actions taken.

Both industries must market their product throughout the year to remain economically viable. Both industries must adhere to their business plan to meet their short term obligations (liquidity) and remain financially solvent (long term obligations) (J. Aiken, personal communication, May 20, 2016) [Burnam. A. (2016, May 22) email interview]

Additionally, Kiler Ridge Olive Farm offers workshops on racking, pruning and olive fly control for local growers throughout the year [Burnam. A. (2016, April 10) email interview].

Conclusion

Producing olive oil is a year-round process. The tasting room and the limited food service restaurant activities are incidental to the existing milling and orchard operations on-site. Agricultural facilities that produce olive oil should be afforded the same tasting and retail sales opportunities as the wine industry.

The Land Use Ordinance does not restrict tasting room hours for wineries. We are requesting that the tasting room be open 5 days a week from 11 am to 6 pm. The Land Use Ordinance limits retail sales hours for the restaurant from 7 am to 9 pm daily. We are requesting hours from 11 am to 6 pm five days a week and from 6 pm to 9 pm two nights a week.

Cited References

Olive

www.oliveoilsource.com

Audrey Burnam – owners of Kiler Ridge Olive Farm

Grapes

www.winefolly.com

www.uky.edu

www.en.wikipedia.org

Joel Aiken, winemaker for Beaulieu Vineyard (BV) wines for 27 years and currently winemaker for Aiken wines

References

Olive

www.olivecenter.ucdavis.edu

Grapes

www.grapegrowingguide.com

www.wineintro.com

Detailed analysis of the similarities between producing Olive Oil and producing Wine

Although there is a distinction between olive oil and wine, the process of making both products is similar. Both fruits require sites with specific amenities to establish a viable crop. Both fruits require on-going vineyard management for continued successful crop production. Both fruits have a harvest time, milling or crushing process, racking and filtering stage for olives and a fermentation and aging process for grapes and an optional blending process. The end process of both industries includes bottling and labeling. Most importantly, both industries must develop and adhere to a business plan.

Site Selection

Site selection of where to plant an olive orchard or a vineyard is critical because it will affect the yields and profitability of the fruit for the life of the orchard or vineyard. Climate, soil type and proximity to crop hazards (pest sources, run-off issues, vectors such as wild pigs, gophers and ground squirrels) are three aspects that affect both fruits when selecting a site.

Orchard or Vineyard Establishment

Both fruits require soil and water analysis, soil preparation, selection of tree or vine variety and installation of irrigations systems. The land must be leveled, tilled or ripped, and the orchard or vineyard designed so that the plants utilize the space efficiently and maximize sun exposure.

Orchard or Vineyard Management

Various agricultural practices are involved in the on-going management of an established orchard or vineyard. Both fruits require yearly pruning and constant pest, weed and disease control. The soil must be tested in order to diagnose and treat nutrient and soil problems with fertilizers. Both fruits can be damaged or killed at low temperatures so frost protection technology is utilized.

Harvesting Time

When to pick the fruit, olives or grapes, is critical because it makes a difference as far as yield, organoleptic characteristics, shelf life and color. Grapes have a slightly narrower harvest window than olives. However, the picking crew and equipment must be ready when it is time to pick for each fruit.

Milling or Crushing Process

After harvest, the next step in olive oil production is milling and the next step in wine making is the crush.

Milling is the process of taking olives and extracting the olive oil. The extraction process includes cleaning the olives, grinding the olives into paste, malaxing the paste, and separating the oil from the vegetable and water solids.

Crushing is the process of removing the stems from the grape clusters and lightly crushing the grapes. Once crushed, white grapes are transferred to a press that extracts the juice and leaves behind the grape skins. The pure juice from the white wine grapes is then transferred into tanks where sediment settles to the bottom of the tank. Red wine grapes are also destemmed and slightly crushed. The difference is that the red grapes along with their skins go straight into a vat to start fermentation.

Racking and Filtering or Fermentation and Aging Process

Olives

Racking completes the production of olive oil. Racking separates any sediment remaining after the extraction process; the oil is pumped from the top into a clean container leaving the sediment at

the bottom. This is necessary to retain the highest level of quality in the olive oil. The oil must rest for several months prior to racking.

Some olive oil producers filter olive oil to achieve particular flavor characteristics. Filtering occurs immediately after extraction.

Grapes

Fermentation occurs when the sugar is converted into alcohol. This stage mainly includes adding yeast to the vats. Carbon dioxide is released during the fermentation of red wines and the winemakers must "punch down" or "cap" several times a day to keep the skins in contact with the juice. Red wine grapes are pressed after fermentation is complete.

There are many choices when determining how long to age the wine. Wine can be age for several months or years. It can be aged in stainless steel tanks or oak barrels. The oak barrels can be new or used barrels, or American versus French barrels. These choices determined by the winemaker affect the flavor and intensity of the wine.

Blending

Although some producers of olive oil and wine choose to bottle single varietal oils or grapes, both fruits can be blended from different varietals. There is both an art and science to blending oils or grapes.

Bottling and Labeling

For both olive oil production and wine production, bottling includes choosing a bottle's size and shape, choosing a closure such as screw top or cork top and deciding on a finishing touch such as foil capsule or a wax finish.

Producers of olive oil and wine need to create labels that are informative, artistic and include the legal requirements as enforced by the U.S. Food and Drug Administration. The label is designed by a graphic artist and applied on the bottles with an adhesive that will not fail during distribution.

Marketing and Business Plan

Both industries market their products year round; this is necessary to remain economically viable. Marketing includes but is not limited to the following 1) on-site tasting rooms and related retail sales 2) club member sales 3) exposure at local and national competitions 4) recognition through receiving an award at a competition 5) paid advertisement 6) word-of-mouth referrals and 7) both wineries and olive oil producers host industry parties and attend other companies' industry parties to foster relationships with hotels, B&Bs, restaurants, wineries, olive oil producers, walnut producers, lavender producers etc.

Both industries require a solid business plan that encompasses the timetable for going from research to retail sales. Both industries must know if they have enough capital to survive from planting the crop until they are able to sell their product. Market prices, equipment costs, competitor analysis, short and long term financial considerations, marketing, distribution and sales forecast are all aspects both industries must address to be successful and maintain long term viability.

Snapshot of Kiler Ridge Olive Farm's Production Activities

- October through January
 - Harvest olives
 - Milling of on-site and off-site olives (olives must be milled within 24 hours of harvest to meet extra virgin standards)
- October through April
 - Pre-racking period to clarify oil
- December through August
 - Blending or infusion of oil several times during this period
- December through January
 - Plant cover crop
- January through April
 - Disassemble and thoroughly clean all pieces of milling equipment and reassemble the equipment
- February through April
 - Racking of oil
 - Racking seminar for local olive oil producers
- February
 - Application of foliar boron – a nutrient for the olive trees
- March
 - Pruning workshop for local growers
 - Prune on-site olives through May
- March through July
 - Mow orchard floor
- May
 - Pruning of on-site olives continues
 - Olive fly control seminar for local growers
- May through October
 - Drip irrigation repair and maintenance
- May through November
 - Olive Fly monitoring (sticky traps) and control (GF-120 organic pesticide) applied bi-weekly
- June
 - Olive leaves sampled for nutrient testing
- August through October
 - Milling equipment maintenance and testing and repaired as needed

- Year-round activities
 - Storage of oil in stainless steel tanks free of oxygen and temperature controlled
 - Storage of bottles of oil
 - Bottling or labeling of oil because storage of oil in tanks preserves quality of oil better than storage in bottles
 - Compost using vermiculture methods
 - Fertigation (application of organic fertilizer and micronutrients through drip irrigation system) performed on a monthly basis year round
 - Application of compost several times during the year as needed

- Orchard floor tilling - half of the orchard floor is tilled once every 5 years in late spring

May 22, 2016

Planning Commissioners
c/o County Planning and Building Department
via email to the planning commission secretary

RE: **Kiler Ridge Olive Farm**
Land Use Ordinance, Agricultural Commissioner's referral response,
Agricultural Element and the Economic Element

Dear Commissioners,

The following discussion on the Land Use Ordinance requirements, the Agricultural Commissioner's referral response and the main policies of the Agricultural and Economic Element supplement our position that this project should be granted tasting room and restaurant privileges as proposed.

Tasting Room Hours (94 sq. ft.)

- **LUO** - The Land Use Ordinance does not establish tasting room hours.
- **Requested** - We requested hours from 11 am to 6 pm seven days a week.
- **Compromise** - We are proposing 5 days a week from 11 am to 6pm

Limited Food Service Restaurant Hours (998 sq. ft.)

- **LUO** – the Land Use ordinance limits hours of operation from 7 am to 9 pm daily
- **Requested** - We requested hours form 11 am to 6 pm seven days a week and from 6 pm to 9 pm during week nights.
- **Compromise** – We are proposing 5 days a week from 11 am to 6pm and two nights a week from 6 pm to 9 pm (meaning lights out by 9 pm)

County Agriculture Commissioner's Support of Project

Projects submitted to the Planning Department are referred to the Agricultural Commissioner's office for review. They provide technical agricultural information, identify potential land use impacts and recommend appropriate mitigation to decision makers to protect agricultural resources and operations.

(www.slocounty.ca.gov/agcomm/Land_Use/Program_Overview.htm)

- The **Agriculture Commissioner supported our original request** for:
 - On-site and off-site milling of olives
 - Tasting Room hours from 11 am to 6 pm seven days a week
 - Limited Food Service Restaurant hours form 11 am to 6 pm 7 days a week and from 6 pm to 9 pm (without the lights out restriction).

The aim of the Agricultural Commissioner's review is to ensure the protection of agricultural resources and operations (ibid). The Agricultural Commissioner's office recognized that the daily farming operations of the olive orchard remained the primary purpose of the use of the land and that the tasting room and limited food service restaurant are incidental and subordinate to the farming operations.

Proposed Project's Compliance with the Agricultural Element (AG) and the Economic Element (EE)

The Agriculture Element establishes strategies for protecting and preserving productive agriculture in the county. The Economic Element is committed to ensuring economic vitality, and to identify strategies for retaining existing businesses and attracting new ones that provide employment for county residents.

(www.slocounty.ca.gov/Assets/PL/Ordinances/general-plan-guide.pdf)

AGP 6: Visitor Serving and Retail Commercial use Facilities

This policy recognizes the need for farmers and ranchers to diversify their on-site activities from production through the marketing of their agricultural products. The on-site promotion and marketing of local agricultural products is vital to the County's agricultural tourism efforts. Olive oil is a growing agricultural industry and its ability to thrive in this county relies heavily on direct consumer marketing through tasting room sales and restaurant sales.

The proposed project provides an olive oil tasting room and restaurant facility to its visitors. The tasting room and restaurant will remain incidental to the existing milling and orchard operations on-site. These uses will not interfere with the existing agricultural operation but will help promote and enhance existing operations and related agri-tourism.

Policy EE 2.2 Strategies to enable agriculture to remain economically viable

The intent of this policy is to allow supplemental small business activities that occupy a small portion of the site that may help preserve an agricultural operation.

This project proposes a small tasting room and limited food service restaurant that are incidental to the olive orchards and olive milling activities. The restaurant/tasting room area is an insignificant percentage of the entire 57.70 acres. (998 sq. ft. = 0.023 acre) However, they are an important aspect to ensure the economic viability of the olive farm; they are the avenue used to expose the olive oil to the retail market.

AG1: Support County Agricultural Production

The Central Coast is becoming recognized as an area that produces very high quality, artisanal, extra virgin olive oils. The California Olive Oil Council, the organization that certifies U.S. olive oil as "extra virgin" and promotes the U.S. olive oil industry, stated

that the Central Coast is developing a reputation as the area in California that produces the most outstanding olive oil. California is the region that produces olive oil in the U.S. because olives require Mediterranean climate.

The industry recognizes that the miller is a big part of what makes olive oil excellent, or alternatively, the miller can easily ruin the olive oil so that it cannot be certified as extra virgin. If growers cannot get their olives to the mill quickly, the quality of the oil is degraded. It is important to have millers in the area to support this developing industry whose reputation for outstanding olive oil is gaining national and international reputation.

Policy EE 2.3 Develop a diverse county wide tourism industry

The intent of this policy is to develop a diverse, county wide tourist industry that relates to historical, cultural, recreational and agricultural attractions in the County.

The Central Coast is recognized as an area that produces very high quality, artisanal, extra virgin olive oils. The California Olive Council stated that the Central Coast is developing a reputation as the area in California that produces the most outstanding olive oil. Olive producers here, including Kiler Ridge, have received top prizes in international competitions. Kiler Ridge and a few other Central Coast producers were featured in an article about Central Coast olive oil in Sunset Magazine. Kiler Ridge Olive farm was mentioned in an article in national Geographic traveler for where to stop to taste olive oil on the mission trail

May 21, 2016

Planning Commissioners

**RE: Condition # 27 – APCD requirement
Kiler Ridge Olive Farm, DRC2013-00096**

Dear Commissioners,

It is my understanding that the Commissioners requested additional clarification on condition # 27 that addresses dust suppressant for the Kiler Ridge project. APCD's condition states:

For the life of the project and prior to final inspection, for the unpaved access road/driveway, the applicant shall implement one of the following:

- a. Pave and maintain the driveway; OR,
- b. During peak season and for the life of the project, maintain the unpaved driveway with dust suppressant such that the fugitive dust emissions do not exceed the APCD 20% opacity limit for greater than 3 minutes in any 60 minute period or prompt nuisance violations. Also, to improve the dust suppressant's long-term efficiency, the applicant shall also implement and maintain design standards to ensure vehicles that use the on-site unpaved road are physically limited (e.g. speed bumps) to a posted speed limit of 15 mph or less. Peak season for this project is defined as follows: October to January. (condition #27 in staff's report)

This condition is the typical condition placed on projects and can be found on APCD's website under Standard Language File (page 14)

The standard dust suppressant condition was placed on the wineries within the Inner Circle Loop. If the grade of a winery's road exceeds 13%, then Cal- Fire's requirement to pave the road would apply. **However, most wineries voluntarily pave their roads because if the grapes are exposed to dust and microbes, it spoils the wine.** This occurs because grapes are not washed in the winemaking process. However, this is not the case with olives.

This condition gives the applicant the option to a pave the road OR to apply a dust suppressant. APCD offers a course that teaches applicants/managers how to measure dust emission to ensure that they remain in compliance with the condition.

Cost of Paving

To pave the access road form Kiler Canyon Road to the access gate is \$100,000. Please find attached the estimate from Frederick's Paving.



May 20, 2016

Kiler Ridge Olive Farm
c/o Gregg Bone
greggbone@kilerridge.com

RE: PAVE ROADWAY – 1111 KILER CANYON ROAD – PASO ROBLES – CA

Dear Mr. Bone,

We propose to furnish all labor, materials and equipment necessary to perform the following described work.

JOB DESCRIPTION

A. A/C PAVE ROADWAY WITH 2 1/2" COMPACTED A/C

1. Pre-grade roadway.
2. Clean debris out of gutter.
3. Water and fine grade all existing base roadway and parking lot (total of approx. 40,000 SF).
4. Water and add approx. 100 tons of Class II base to various areas where needed.
5. Fine grade, water and roll compact at finish grade.
6. Pave roadway with 2 1/2" compacted A/C.
7. Backfill complete.

OUR PRICE: \$100,000.00

EXCLUSIONS

1. City and/or utility fees and/or permits.
2. Survey and/or grade staking, soils tests and/or fees.
3. Hydro seeding and/or erosion control.
4. Unsuitable and/or unknown sub-soils conditions and/or objects (including utilities, roots, rocks, etc.) that require special attention.
5. Any field changes and/or directives required by any jurisdictional agency, engineer, consultant, owner and/or authorized agent thereof.

NOTES

1. MFPC will not be responsible for any damage to and/or relocation of any unforeseen underground utilities (those that are either not located properly and/or unable to be located and/or not visibly marked as such) that are in conflict with the installation of any items in the above bid.
2. In the event rock is encountered and excavation is unable to proceed with reasonable efforts and MFPC is unable to dig to proper depths and/or if large rocks are encountered for export, it is hereby agreed that this agreement shall be modified to provide payment to MFPC on the basis of time and materials plus 15% for profit and overhead costs.
3. In the event excess moisture and/or ground water and/or any unsuitable soils is encountered during earthwork, it is hereby agreed that this agreement shall be modified to provide payment to MFPC on the basis of time and materials plus 15% for profit and overhead costs.
4. The base, paving and concrete thicknesses specified in our proposal are commonly used sections for these applications, by the industry, in our area or have been specified in the project documents. If requested or required by the owner an R-Value test can be performed at the time of sub-grade construction, by a licensed soils engineer. The R-Value test is used to determine the stability of the soil under load conditions. The R-Value test along with a traffic index, which is the estimated amount and weight of the vehicular traffic that will be traveling over the new surfaced area, can then be used to more accurately determine the structural section needed. Although not required, MFPC offers this information as an option, if this process is chosen it may add additional costs for soils engineering. MFPC can recommend a licensed soils engineer upon request.
5. Owner to provide MFPC legal access to jobsite. In the event access to jobsite is possible only through adjacent property, owner shall provide MFPC with written permission from adjacent property owner to use adjacent property as access way to jobsite.
6. MFPC will not be held responsible for damage to any concrete walks, curb and gutter, driveways or driveway approaches, or any other apparatus used as an access way to jobsite when jobsite is accessible by no other means.
7. All material guaranteed to be as specified. All work to be completed in workmanlike manner according to standard industry practices.
8. Above prices may be subject to change due to material price increases, especially, but not limited to, petroleum-based products, such as plastic pipe, asphalt, diesel fuel, gasoline, etc. These prices are very volatile at this time, therefore, any price increase passed on from our materials suppliers are out of our control and will be handed through to the Owner/General Contractor with appropriate mark-up.
9. If above proposal is not accepted within 30 days, price may be subject to change.

If you would like for us to perform the work described above please sign and return this agreement as soon as possible.

1. The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment is due and payable upon monthly progress billings for work performed or materials purchased.
2. Upon acceptance of this proposal I agree to furnish all project information (including, but not limited to, "project owner", "project address" and "project lender") before start of project.
3. A finance charge of 1 ½% per month (18% annual) will be charged on all invoices over 30 days past due.
4. In the event suit is necessary to enforce payment of a delinquent account customer is liable for reasonable attorney's fees of creditors.

Accepted: _____
Printed Name

By: _____ Date: _____
Signature / Title

Thank you for the opportunity to bid your project. If you have any further questions, please feel free to contact me at the office.

Respectfully submitted,



Michael Frederick
President

MF/nm

May 22, 2016

Planning Commissioners
c/o County Planning and Building Department
via email to planning commission secretary

RE: Events/Activities proposed for Kiler Ridge Olive Farm, DRC2013-0096

Dear Commissioners,

We agree with Planning staff that the Temporary Event's Ordinance is applicable to this project. However, the ramifications of a strict adherence to the Temporary Event's Ordinance is that **2 or more people on the site constitute an event.**

At the Board of Supervisor's hearing for Pasolivo's permit, the Board did not set policy but discussed that an activity containing 50 people or less is not an event; the minutes from the hearing were presented to you at the March 24th hearing.

We proposed the following modification to condition #1g. This will allow on-site activities that are related to existing milling and orchard operations.

1g. Activities that are allowed and not precluded as "Special Events" or "Temporary Events" include:

1. Educational tours and workshops relating to olive farming and olive oil production
2. Olive oil tasting and tours by appointment
3. Facility ownership and management get-togethers (e.g. BBQs, birthday parties)
4. Private gatherings that relate to the promotion of olive oil (such as harvest work-days, industry meetings, club members functions, and farm to table dinners for olive oil club members or personal friends)

Allowed activities will be limited to no more than 49 participants, may be publicized in advance for reservations, but are not open to the public

May 21, 2016

Planning Commissioners
c/o County Planning and Building Department
via email to Planning Commission secretary

**RE: Changes to Findings and Conditions of Approval
Kiler Ridge Olive Farm, DRC2013-00096**

Dear Commissioners,

The following pages reflect our proposed changes to the Planning Department's suggested Findings (exhibit A) and Conditions of Approval (exhibit B).

The proposed changes to the conditions of approval are the same as presented to you at the March 24, 2016 hearing in our handout except for conditions #1g, #19, #29 and #30.

Condition #1g and #19 include staff's recent modification to the condition and our proposed changes. Condition #29 and #30 have been simplified and exhibits attached.

Only Finding E has been modified in exhibit A

The suggested changes are highlighted in bold and the text to be modified is shown in strike out format.

I hope this format is easier to review the proposed changes.



Pamela Jardini
Planning Solutions

FINDINGS - EXHIBIT A

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on January 6, 2016 for this project. Mitigation measures are proposed to address air quality, biological resources, hazards/hazardous material, public services/utilities, transportation/circulation, wastewater, and water/hydrology and are included as conditions of approval.

Conditional Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the uses proposed are allowed uses and as conditioned is consistent with all of the General Plan policies.
- 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 proposed project as conditioned 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 proposed tasting room/restaurant/limited food service facility will be limited to ~~800 sf and limited to 3 days per week with limited hours of operation to 11 a.m. to 5 p.m.~~ **998 sq. ft. and limited to 5 days a week from 11 a.m. to 6 p.m. and two nights a week from 6 p.m. to 9 p.m. with lights out by 9 p.m.**
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Kiler Canyon Road (a collector road), a road constructed to a level able to handle any additional traffic associated with the project and an unpaved access road that is conditioned for dust suppression and a road maintenance agreement.
- G. A modification of the setback standards required by Land Use Ordinance Section 22.30.070.D.4.c.1 Olive Oil Production / Setbacks) to allow a 96 ft setback to property line and to allow 380 ft to an existing residence is justified because it presents a more environmentally friendly solution than constructing a new building that could meet the

required setbacks versus using the existing building. The primary use on-site is the processing of approximately 15 tons of olives grown on-site from the 2,700 olive trees planted on-site (currently not all trees have reached maturity).

- H. A modification of the setback standards required by Land Use Ordinance Section 22.30.075.B.4 Ag Retail Sales / Setbacks that requires all structures to be located no closer than 400 feet to any existing residence to allow a 380 ft setback to an existing residence (to the north) is justified because it presents a more environmentally friendly solution than constructing a new building that could meet the required setbacks versus using the existing building. The primary use on-site is the processing of approximately 15 tons of olives grown on-site from the 2,700 olive trees planted on-site (currently not all trees have reached maturity)

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes the following:

- a. Conversion of a portion of an existing 3,445 sf olive processing facility to include:
 - ~~800~~ **997** sf of restaurant (limited food service facility) area a 330 sf existing commercial kitchen **and 667 sq. ft. of indoor and outdoor dining area** ~~commercial kitchen and a maximum of 470 sf dining area (total includes indoor and outdoor seating areas).~~
 - 94 sf of olive oil tasting area.
 - ~~30~~ **Up to 100** sf of retail (permanent farm stand).
 - The processing of 540 tons of olives not grown on-site;

- b. Public access to the site for tasting room/restaurant/limited food service facility/retails sales operation shall be ~~restricted to 3~~ **5 days per week from 11:00 am to 5:00 6:00 pm and public access to the site for sit down restaurant activities shall be concurrent with the tasting room and until 9:00 pm for two nights per week. At 9 pm the lights shall be out on-site meaning restaurant guests and staff shall be off –site by 9pm.**

- c. The incidental processing of olives into table olives for sale onsite (approximately 35 cases)

- d. The construction of a ~~45-sf detached~~ restroom **per building code requirements including areas for employee lockers and changing area;**

- e. A modification to the ordinance standard (Section 22.30.070.D.4.c.1 Olive Oil Production / Setbacks) to allow a 96 ft. setback to property line and to allow 380 ft. to an existing residence;

- f. A modification of the ordinance standard (Section 22.30.075.B.4 Ag Retail Sales / Setbacks) that requires all structures to be located no closer than 400 feet to any existing residence to allow a 380 ft. setback to an existing residence (to the north);

- g. ~~No temporary events are authorized including events with fewer than 50 attendees and non-profit events (e.g. weddings, reunions, parties, concerts). Public access to the site for educational olive tours, olive workshops, olive oil club functions, and olive oil related incidental uses shall be restricted to fewer than 50 people to 3 days per week form 11:00 am to 5:00 pm.~~ **Activities that are allowed and not precluded as “Special Events” or “Temporary Events” include:**
 1. Educational tours and workshops relating to olive farming and olive oil production
 2. Olive oil tasting and tours by appointment
 3. Facility ownership and management get-togethers (e.g. BBQs, birthday parties)
 4. Private gatherings that relate to the promotion of olive oil (such as harvest work-days, industry meetings, club members functions, and farm to table dinners for olive oil club members or personal friends)

Allowed activities will be limited to no more than 49 participants, may be publicized in advance for reservations, but are not open to the public

Conditions required to be completed at the time of application for construction permits

Site Development

2. Submit a revised floor plan and site plan to the Department of Planning and Building for review and approval. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:
 - a. Site Plan – The site plan shall show ~~12~~ **the required** parking spaces.
 - b. Floor Plan - The dining seating area including indoor and outdoor areas shall not exceed a ~~470~~ **667** sf.

Required Permits

3. At the time of application for construction permits, the applicant shall obtain the following permits if required in addition to any and all other permits required by ordinance or code. Plans shall be prepared or certified by the licensed architect or engineer of record.
 - a. Construction permit to convert the existing agricultural olive processing building into a commercial olive processing facility that will be open to the public;
 - b. Construction permits for tenant improvements to convert a portion of the existing building into an olive oil tasting room, restaurant/limited food service facility, and retail sales area;
 - a. ~~Grading permit for access road widening.~~ **(remove condition entirely because there is no grading - all repair and maintenance for road per Cal Fire's requirements)**

Transportation and Traffic

4. (TR-1) At the time of application for construction permits, the applicant shall submit plans prepared by a Registered Civil Engineer to the Department of Public Works to secure an Encroachment Permit and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plan is to include, as applicable:
 - a. Reconstruct the existing site access driveway approach on Kiler Canyon Road in accordance with County Public Improvement Standard B-1 drawing rural roadways, and A-5a sight distance standards.
 - b. Remove sign and vegetation obstructions per the recommendations contained in the Above Grade Engineering driveway sight distance analysis dated September 21, 2015.
5. (TR-2) At the time of application for construction permits, the applicant shall submit evidence to the Department of Planning and Building of a road maintenance agreement for Old Kiler Canyon Road. The agreement shall establish an organized and perpetual

mechanism to ensure adequate maintenance of the shared access roads in a form acceptable to the County. The road maintenance agreement shall be signed by the owners of all properties which have shared access rights, or be fully assumed by the applicant for the full width across their property frontage and back to the nearest county maintained road and be binding upon their heirs and assigns, and be recorded with the County Clerk on each of the effected properties.

6. (TR-5) At the time of application for construction permits, the applicant shall submit complete drainage plans for review and approval in accordance with Section 22.52.110 (Drainage) or 23.05.040 (Drainage) of the Land Use Ordinance.
7. (TR-6) At the time of application for construction permits, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.
8. (TR-8) At the time of application for construction permits, the applicant shall demonstrate whether the project is subject to the LUO Section for Storm Water Management. Applicable projects shall submit a Storm Water Control Plan (SWCP) prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Storm Water Quality Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation plan
9. (TR-9) At the time of application for construction permits, if necessary, the applicant shall submit a draft "Private Storm Water Conveyance Management and Maintenance System" exhibit for review and approval by the County.

Exterior Lighting

10. At the time of application for construction permits, the applicant shall provide details on any proposed or existing exterior lighting. 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 properties. Light hoods shall be dark colored.

Fire Safety

11. At the time of application for construction permits, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. ~~Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the Cal Fire/County Fire Department for this proposed project and dated January 16, 2015 and letter dated October 23, 2015.~~ **Requirements shall include the report by Varietal Matrix (fire suppression consultant) and the fire and life safety requirements of the letter dated May 26, 2016 from Cal Fire**

Services

12. At the time of application for construction permits, the applicant shall submit evidence that there is adequate water to serve the proposal, on the site.
13. At the time of application for construction permits, the applicant shall submit evidence that the existing septic system, adequate to serve the proposal, can be

installed on the site.

Conditions to be completed prior to issuance of a construction permit

Fees

14. Prior to issuance of a construction permit, the applicant shall pay all applicable school and public facilities fees.

Transportation and Traffic

15. (TR-10) Prior to issuance of construction permits, if necessary, the applicant shall record with the County Clerk the "Private Storm Water Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

Nesting Birds

16. (BR-1) Prior to and during construction, in order to protect sensitive bird species and those species protected by the Migratory Bird Treaty Act and/or the Fish and Wildlife Code, the applicant shall avoid vegetation clearing and earth disturbance during the typical nesting season (February 15 – August 31). If avoiding construction during this season is not feasible, a qualified biologist shall survey the area one week prior to activity beginning on the site. If nesting birds are located, they shall be avoided until they have successfully fledged. A buffer zone of 50 feet will be placed around all non-sensitive bird species, a 500-foot buffer zone for raptors, and all activity will remain outside of that buffer until a County approved biologist has determined that the young have fledged. If special-status bird species are located, no work will begin until an appropriate buffer is determined by consultation with the County, the local California Department of Fish and Wildlife biologist, and/or the U. S. Fish and Wildlife Service.

Oak Trees

17. (BR-2) Prior to issuance of construction permit and/or grading permit, the applicant shall clearly show all oak trees within 50 feet of grading activities on the grading plans. In addition to showing the limits of grading, the grading plans shall also designate any oak trees to be removed and which oak trees will be impacted by grading activities occurring within the root zone (one and one half times the dripline).
18. (BR-3) Prior to issuance of a grading permit, the applicant shall provide a tree replacement plan for review and approval by the Environmental Coordinator. The replacement plan shall demonstrate compliance with the following measures:
 - a. Number of Trees – The tree replacement plan shall provide for the replacement, in kind, of removed oak trees at a 4:1 ratio. Additionally, the tree replacement plan shall provide for the planting, in kind, at a 2:1 ratio for oak trees designated for impact but not removal.
 - b. Location/Density – The location shall be clearly shown on the plans. Trees shall be planted at no greater a density than the average density in the existing oak woodland area on the site.
 - c. Species – Trees shall be of the same species of the trees proposed for impact or

removal. The species shall be clearly specified on the plans.

d. Planting – Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, top soil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.

e. Maintenance – Newly planted trees shall be maintained until successfully established

Conditions to be completed prior to occupancy or final building inspection/establishment of the use

19. Prior to occupancy or final inspection, whichever occurs first, the applicant shall obtain final inspection and approval from CAL FIRE of all required fire/life safety measures. This includes but not limited to the access road widening and compaction deficiencies (Keith V. Crowe, PE, PLS, letter dated July 29, 2015). The applicant shall submit to the Department of Planning and Building and Cal Fire verification of the compaction report from a licensed civil engineer for the access road for review and approval
20. Prior to occupancy of any structure associated with this approval, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Transportation and Traffic

21. (TR-3) Prior to occupancy or final inspection, all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.

On-going conditions of approval (valid for the life of the project)

22. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
23. All conditions of this approval run with the land and shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

Transportation and Traffic

24. (TR-4) In accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc. without a valid Encroachment Permit issued by the Department of Public Works.
25. (TR-7) The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.
26. (TR-11) The applicants shall provide recycling opportunities to all facility users at all events in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential, commercial and special events).

Air Quality

27. (AQ-1) For the life of the project and prior to final inspection, for the unpaved access road/driveway, the applicant shall implement one of the following:
 - a. Pave and maintain the driveway; or,
 - b. During peak season and for the life of the project, maintain the unpaved driveway with dust suppressant such that fugitive dust emissions do not exceed the APCD 20% opacity limit for greater than 3 minutes in any 60 minute period or prompt nuisance violations. Also, to improve the dust suppressant's long-term efficiency, the applicant shall also implement and maintain design standards to ensure vehicles that use the on-site unpaved road are physically limited (e.g., speed bumps) to a posted speed limit of 15 mph or less. Peak season for this project is defined as follows: October to January.

Building Occupancy

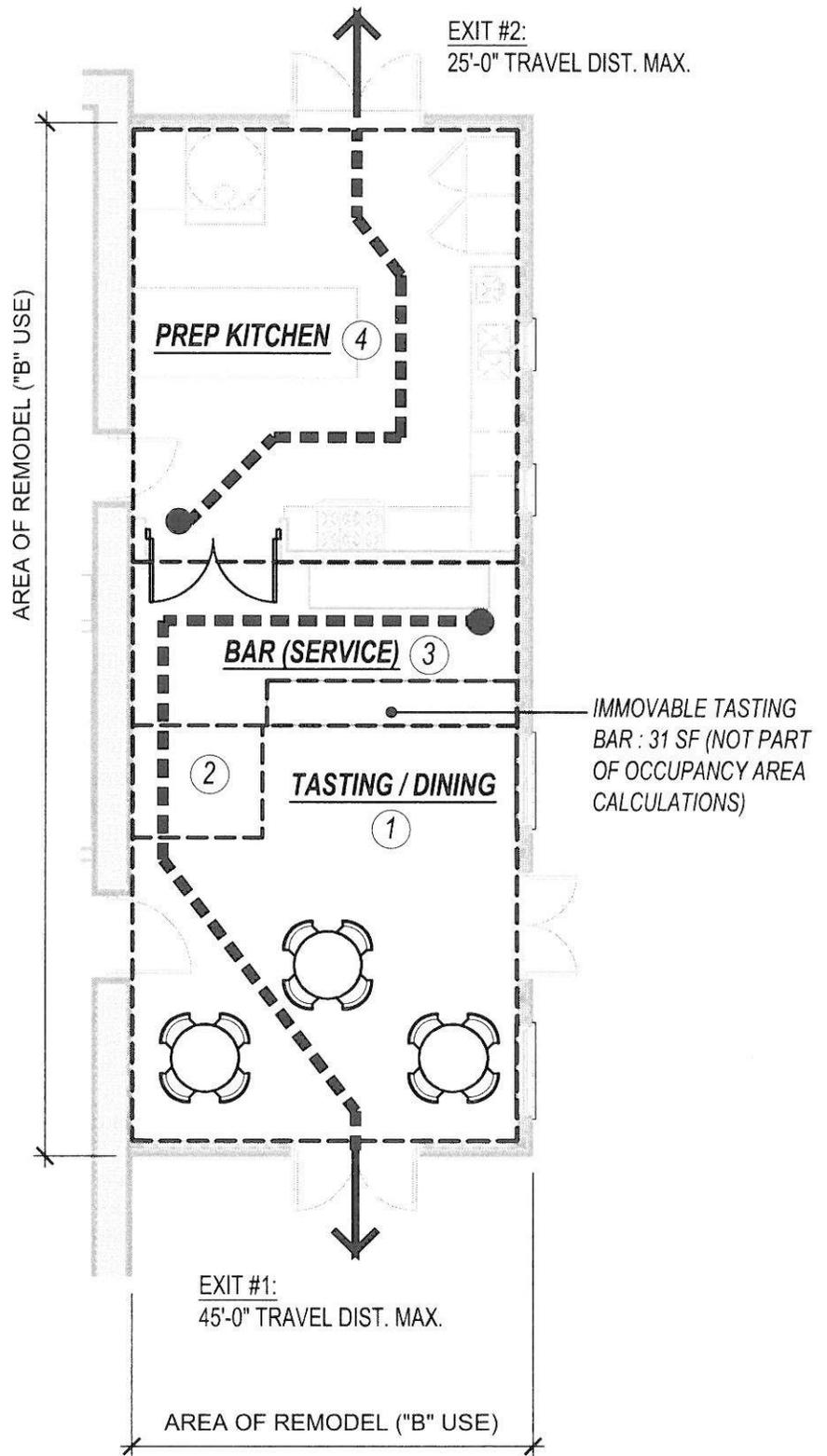
28. The applicant shall comply with CAL FIRE Safety Letter dated ~~January 16, 2015~~ **May 26, 2016 and Varietal Matrix report recommendations** and the occupancy of the building shall not exceed 49. Any additions to the structure including enclosing the covered porch area for dining, and/or removing furnishing (**except for the existing conference table**) allowing an increased occupancy load at this location shall require the installation of a commercial NFPA compliant automatic Fire Sprinklers
29. **The tasting room activities may resume immediately inside the agricultural facility. The applicant has 1 month to fulfill the requirements with a 1 month extension if needed (such as contractor cannot perform work immediately) prior to condition being enforceable. This is to allow the tasting room to remain open inside the building while the conditions are being met and this condition is NOT applicable to the limited food service restaurant and the conditions associated with the restaurant. Fulfill means time that does not include agency review.**
30. **Occupancy as determined by Exhibit A or B (attached) as per the letter sent to Holly Phipps via email (attached)**

OCCUPANCY + EXITING REQUIREMENTS:

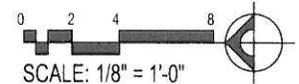
OCCUPANCY GROUP "B"

- ① TASTING / DINING / BAR AREA (GROSS):
285 SF @ 1/7 = 41.0 OCC
- ② RETAIL:
30 SF @ 1/30 = 1.0 OCC
- ③ BAR (SERVICE):
94 SF @ 1/100 = 1.0 OCC
- ④ PREP KITCHEN:
330 SF @ 1/200 = 2.0 OCC

TOTAL= 45.0 OCC
1 EXIT REQUIRED
PER SECTION
1021 CBC 2013
2 EXITS PROVIDED



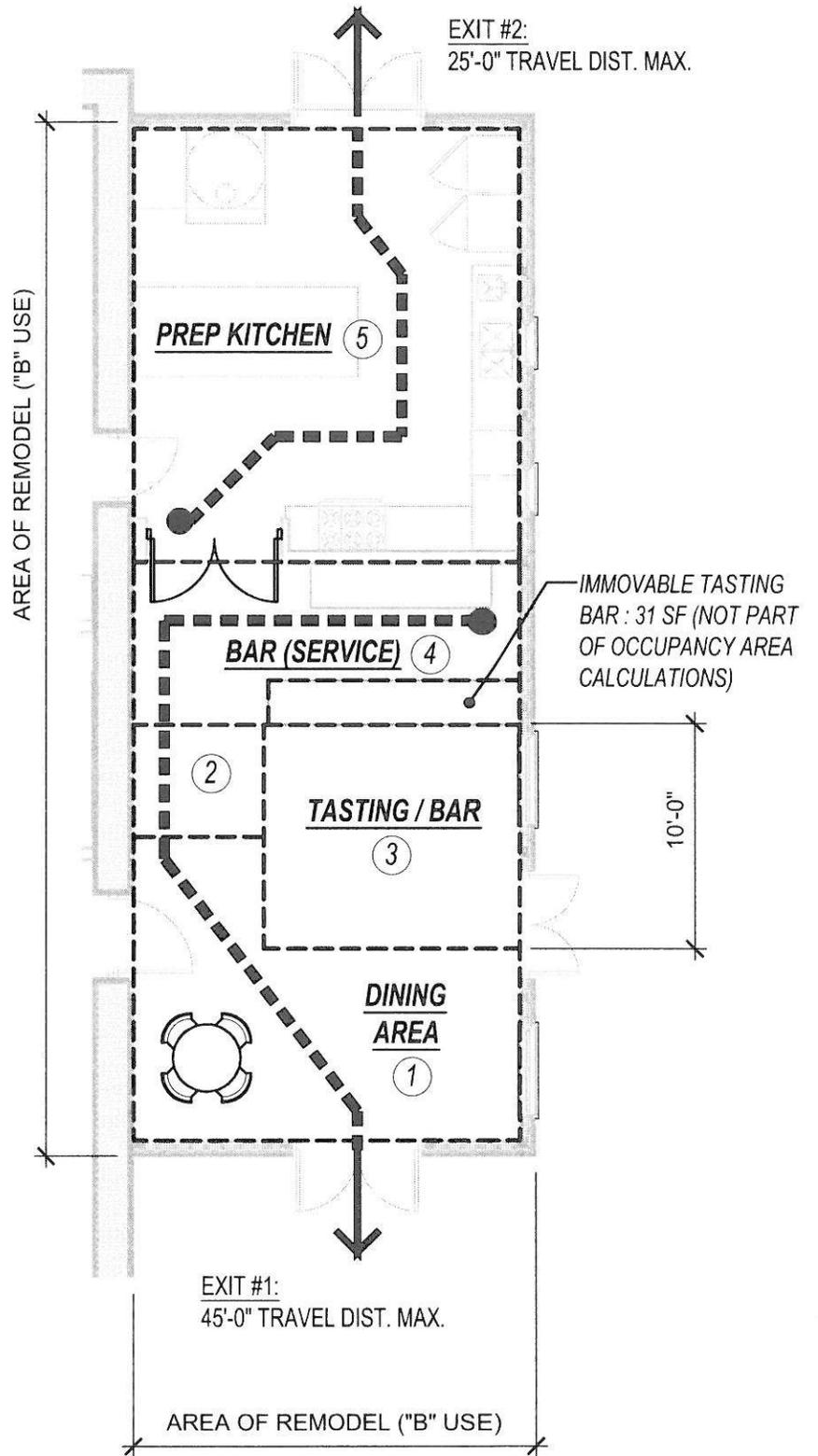
OCCUPANCY + EXITING PLAN



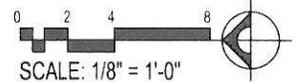
OCCUPANCY + EXITING REQUIREMENTS:

OCCUPANCY GROUP "B"

- ① DINING AREA:
175 SF @ 1/15 = 12.0 OCC
 - ② RETAIL:
30 SF @ 1/30 = 1.0 OCC
 - ③ TASTING / BAR AREA (GROSS):
115 SF @ 1/5 = 23.0 OCC
 - ④ BAR (SERVICE):
94 SF @ 1/100 = 1.0 OCC
 - ⑤ PREP KITCHEN:
330 SF @ 1/200 = 2.0 OCC
- TOTAL= 39.0 OCC
1 EXIT REQUIRED PER SECTION
1021 CBC 2013
2 EXITS PROVIDED



OCCUPANCY + EXITING PLAN



Holly Phipps
c/o County Planning Department
County Government Center
San Luis Obispo, CA 93408
Via: Email

RE: Conditional Use Permit DRC2013-00096; Bone; Kiler Ridge Olive Farm

Dear Ms. Phipps,

This letter is in response to the Fire Marshal and Building Department review of the occupant load for the proposed Olive Oil Tasting Room for the above listed application. Based on an onsite meeting with the business owners, Fire Marshal Laurie Donnelly, and members of the building department including Mike Stoker and Steve Hicks on January 13, 2015, we have prepared the following additional information for your consideration. Additionally, the previously submitted report from our consulting Fire Engineer, Dan Gemeny, has been attached for your reference.

Tasting Room Occupancy:

As discussed with building department staff and the Fire Marshal, maintenance of an occupant load of less than 50 persons will maintain the current "B" occupancy classification of the facility allowing the building to remain un-sprinkled. Should the occupant load exceed 49 persons, the building would be classified as an "A" occupancy which would trigger the installation of building sprinklers. During the January 13th meeting it was agreed that the immovable tasting bar could be subtracted from the floor area in addition to the large food service table used for the restaurant style tastings. Direction was also provided by building staff to use an occupant load factor of 7 sf/person to determine the building occupant load.

Tasting Room Occupant Load Calculation:

The following calculation demonstrates the occupant load of the tasting room for the purposes of determine building occupancy and whether changes to the existing facility occupancy are proposed as part of this application. The immovable tasting bar area has been removed from the total floor area however the food service table area was not in order to allow for flexibility in future room layout and décor. In addition, the proposed retail area was included in the overall square-footage for the same purpose. The employee area behind the tasting bar was subtracted from the square-footage as this area is for employees only and will not be used to accommodate business patrons.

Calculation:

Food Pairing Restaurant (subordinate service facility)/Tasting Room Area: 318sf
Retail Space: 30sf

Employee Area: 94sf

Immovable Tasting Bar: 31.5 sf

(Note that only ½ of the bar area was removed from the square-footage to account for the overlap of a portion of the bar into the employee area. This is a conservative number based on actual placement of the bar. Please refer to the attached floor plan.)

318 + 30 = 348sf total public tasting room area

348 – (31.5/2) = 332.25sf

332.25sf/7 (occupant load) = 47 people

This number represents the highest possible number of patrons in the space based on the occupant load of 7sf/person. Based on the nature of the business, there will be tables within the space in various configurations. This will further reduce the overall number of patrons potentially occupying the space.

If you have any further questions or concerns, please contact me at (805) 712-1561 or at ksgleason@gmail.com

Thank you,

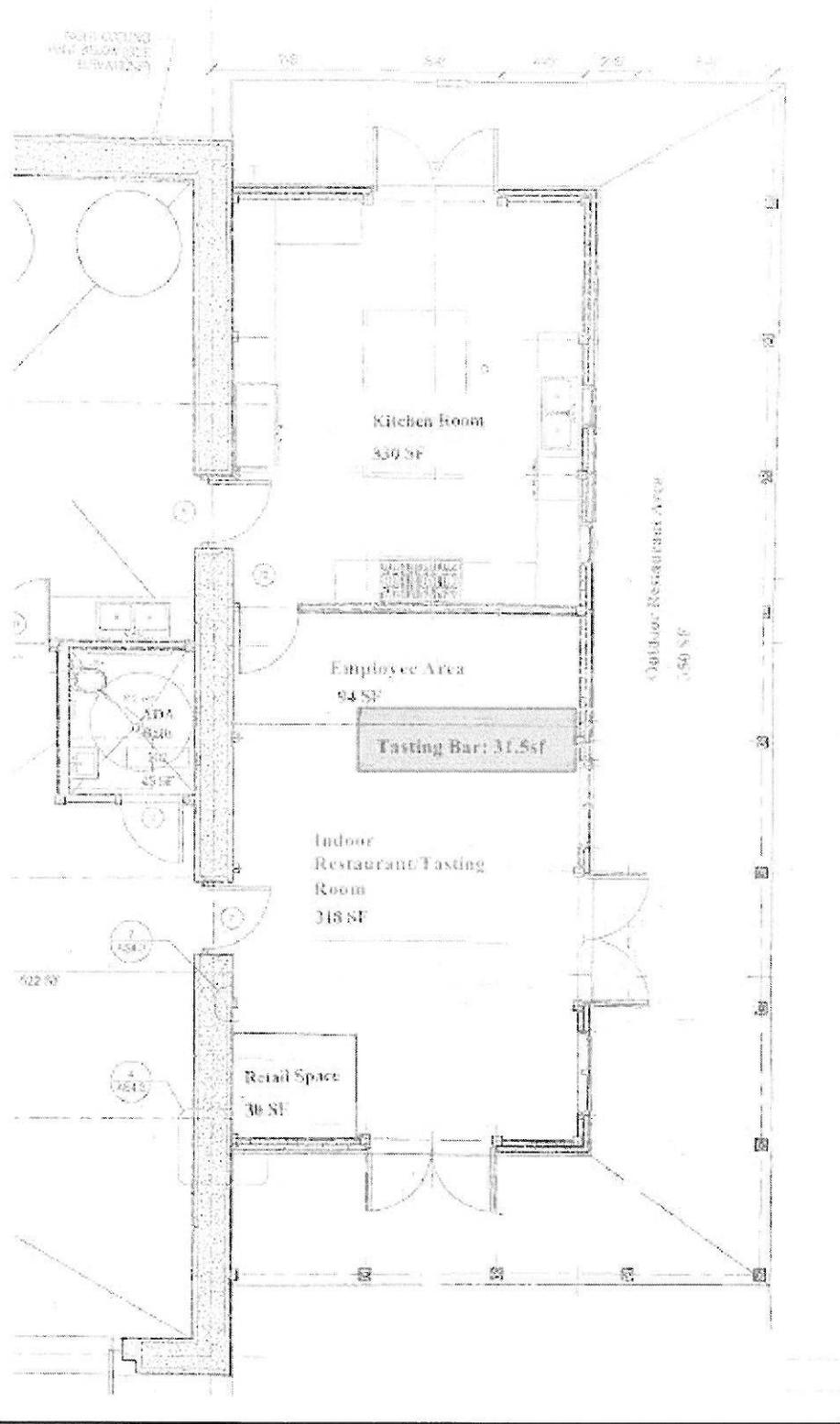
Kelly Gleason

Attachments:

Floor Plan

Project Information

Floor Plan



BONE OLIVE PROCESSING FACILITY DRC 13-00096

Commissioners

May 22, 2016

This short letter is a reminder of the issues this came up in the last Commission Hearing.

You have all seen the dust pictures given at the hearing and the longer compilation of pictures given to you all on flash drives.

From the staff report: Air Pollution Control District (APCD): The project is accessed by an approximate 0.28 mile unpaved access road. APCD determined that 20 daily round vehicle trips on this access road without mitigation would result in the project exceeding the APCD's 25 lb per day threshold of significance for particulate matter (PM10 emissions).

The dirt access road must be paved from the where it intersects Kiler Canyon Rd at least to the gate to Mr Bone's property. This would eliminate the dust blowing over our house. In this area, APCD has required other winery facilities to also pave their entire driveway in addition to their parking areas (Hogue and Ecluse wineries for example which are both located on Kiler Canyon).

From CAL FIRE: The road requires **increased widening and correction of compaction deficiencies (Laurie Donnelly, January 16, 2015)**. The road may need to be widened by 3 feet and in other places the 20 feet is adequate.

Both CAL FIRE and Planning have allowed the required 24' access road width for commercial projects to mitigated to 20' which is marginal for two way traffic. However there is a short 20' long section **that is only 17'** wide with an **approximately 70 deg dropoff**.

There are two fire safety plans from CAL FIRE that both state that the road is UNSAFE FOR TWO WAY TRAFFIC and which also state the road must be widened under the supervision of a civil engineer, copies of which you should have in your paperwork.

There are two dwellings served by this access road and although the residents are familiar with this narrow section, they will not be backing up to let oncoming traffic pass by in this narrow area. At night time this would be especially hazardous and during the proposed Community Crushes there is a great deal of night time traffic by people that are not familiar with the road at all and are pulling wide trailers with olives for processing.

Please use common sense and have the road paved and widened as noted above.

Contrary to popular opinion the neighbors are not trying to close down this ongoing illegal operation. I for one, think **that importation of outside olives in Ag zoning is an appropriate use and do not oppose it** with the oversight of a discretionary use permit.

However, past use as a pizza kitchen, and a full blown restaurant are totally inappropriate and should not be allowed. Allowing food pairing is somewhat suspect given the nature of applicant over the past 10 years in not following any Planning Department regulations, obtaining required landuse permits or building permits except to the AG use only barn structure.

By ordinance, food pairing is only allowed during tasting room hours which are to stop at 5 pm. There should be no extension of tasting room hours, as proposed by the applicant, and the use of the tasting room should have a requirement that it be vacated by 5pm, otherwise people will be seated up to 5pm and the not-a-restaurant will be operating for many hours afterward into the evening as he is currently proposing now.

I am opposed to any operation past 600pm. The applicant is requesting operation till 900pm three days a week. This totally unacceptable.

From the staff report:

Staff is in full support of the agricultural processing of olives grown off and or on-site but **Staff is not in support** of the tasting room/restaurant/limited food facility **as proposed** which is larger than allowed by the ordinance **with extended hours**. Staff would however support a very limited tasting room/restaurant/limited food service facility with limited size and hours of

operation. We would support 3 days per week and limited operating hours from 11 a.m. to 5 p.m.

From the staff report: The building was built to meet an occupancy group F1 requirements which allows for factory processing of food (olives) and an employee break room. It was not permitted for a restaurant, commercial kitchen or for a tasting room use. The proposed project will change the use from an occupancy group F1 to a group A2 to allow public occupancy of the building. The building may need to be provided with fire sprinklers and an alarm system under a separate permit. At the time of the building permit application, the applicant will have to provide plans and calculations showing the design of the system or justification for a sprinkler exemption.

The project as proposed would fit perfectly along Hwy 46 or located on other large parcels, but it is an inappropriate use and does not fit into this neighborhood.

Thank you for your time and patience,

Peter Byrne

805 235 9616

May 22nd, 2016

To: Each member of the San Luis Obispo County Planning Commission
c/o Ramona Hedges, sent via email

From: Cody Ferguson
805 Kiler Canyon Road
P.O. Box 1168
Paso Robles, CA 93446
805-238-5597

Subject: Request by Greg Bone for a Conditional Use Permit @ 1111 Kiler Canyon Road, Paso Robles CA 93446

Greg Bone purchased the subject property some 10 years ago with a predetermined plan for what he wanted to do with it regardless of the restrictions in the San Luis Obispo County Zoning and Building Codes. Along the way he has ignored both the neighborhood and the County as he continues to do whatever he wants without regard to the rules or the people who live here. No matter what your commission rules regarding his property, Mr. Bone has proven many times over that he will continue to operate with impunity and in defiance of the rules.

During the past two sessions of this hearing to consider the CUP for Mr. Bone's property you have heard numerous people testify before your commission in favor of this Conditional Use Permit and applauding Mr. Bone's character. It should be noted that none of these people live in close proximity to the subject property and none of them are affected in any negative way. Additionally, it should be noted that Mr. Bone is not who they think he is. For example, Mr. Peter Byrne lives next door to the subject property. In fact the dirt access road and driveway to the Bone property pass within 30 feet of Mr. Byrne's home. Mr. Byrne has lived at this location for the past 35 years during which time he has been a dedicated SLO County employee of the Building and Planning Department. Mr. Byrne has also legitimately opposed the over development of the Bone

Page2

property since 2005-06 when Mr. Bone was allowed to build his “agriculture only” olive oil processing building. Along the way Mr. Bone has more than once accused Mr. Byrne and the Building and Planning Department of allowing Mr. Byrne to use County work time and influence to oppose his development. As a result of these accusations Mr. Byrne’s work activities were comprehensively reviewed by top staff of the Building Department and were found to be in order and within County and State guidelines. Mr. Byrne was admonished by his supervisors to keep it that way. As late as after the last meeting of your commission on this application on February 11th, 2016, Mr. Bone dispatched his land use consultant, Ms. Pamela Jardini, to the Building and Planning Department demanding access to Mr. Byrne’s time cards. When she was denied access to them on the first day, she appeared again with the same demands on a different day. Additionally, in her closing remarks at the February 11th hearing Ms. Jardini did her best to indict the original Planning Staff from 2005-06 as incompetent. This is far from the truth as the original planner on Mr. Bone’s project, Ms. Karen Nall, did her job with both competence and experience. Mr. Bone apparently did not like the fact that she used both the relative codes and common sense to make her decisions. As you can readily see, Mr. Bone’s answer when he doesn’t get what he wants is to attack the individuals involved.

I also took note of the testimony offered by Ms. Audrey Burnham, Greg Bone’s wife, at the February 11th hearing when she said that “she and her husband were looking forward to eventually living on the subject property.” Only a few short months before the hearing both Greg Bone and Audrey Burnham said directly to Mr. Peter Byrne, his wife Marta and me that they “never intend to live on the property because they wouldn’t like the neighbors!” Another convenient lapse of memory on the part of the Bone’s.

If the SLO County planning process is going to be consistent then Mr. Bone should be required to widen and pave the access road, the driveway and his parking lot. This was required of Ecluse Winery less than a half mile up the road before they were issued a CUP for a tasting room.

Page 3

To allow a fulltime restaurant and pizza kitchen in this Agriculture Zoning should be a non-starter based on the existing codes and should absolutely never even be considered without fire sprinklers.

San Luis Obispo County spends hundreds of hours of staff time and thousands of taxpayer dollars to configure and canonize both the Building and Planning and the Zoning Codes for the County. This entails public hearings and public input. These rules are in place to protect geographic land use and public safety. They should not be mitigated to allow one person to fulfill his 'vision' or business plan. It is obvious in this case that Mr. Bone and his wife made a mistake by not doing enough due diligence on this property before they purchased it for what they want to do. Others should not have to accommodate their mistake!