

July 5, 2016

Planning Commissioners
c/o Planning Commission Secretary
via email rhedges@co.slo.ca.us

RE: Kiler Ridge Olive Farm, DRC 2013-00096, Bone/Burnam

Dear Commissioners,

We agree with the proposed Conditions of Approval although we wish to add a condition **#29** and modify conditions **#1b**, **#1g** and **#27**

Adding a condition #29

This condition needs to be added because if your Commission approves the project, the tasting room and the milling operations of the project will be shut down immediately as the use requires certain conditions be satisfied. Our proposed condition allows Kiler Ridge Olive Farm to continue their operation since no health and safety issues are present. However, there is a hook that the owners have to proceed with construction drawings, building permits, etc. in a timely manner or they lose their ability to continue operating. Our proposed condition allows the tasting room to be located back inside the facility (currently has a class B occupancy) and the applicant to mill olives for other growers this season. The restaurant would not be open until all conditions are met.

Proposed condition #29. The tasting room activities may resume immediately inside the facility and the applicant is allowed to mill off-site olives this season. 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 condition is not applicable to the restaurant and the conditions associated with the restaurant. Fulfill means time that does not include agency review.

The intent of the county's olive oil ordinance is to entice olive growers who are not in compliance to apply for a land use permit. If the county shuts down an applicant's operation upon application submittal or approval, then there is no incentive for the olive growers who are not in compliance to apply for a land use permit. Currently, the president of Central Coast Olive Growers estimates there are 180-200 growers in this county.

We are trying to meet the conditions of approval concurrently, but since this is the first project reviewed under the new ordinance, there are a few glitches. On May 26th, 2016, plans were submitted to the building department and they will not be reviewed by the building department until July 18-22. Health Department cleared condition #12 and the road maintenance agreement was submitted to Public Works but the County's computer system is unable to accept clearance because the project has not been approved yet. Frederick's Paving is scheduled to work on the access road the week of July 18-22. This could not be done earlier since we don't know what type of dust suppressant (chemical or paving material) the Planning Commission will place on the project. We have diligently tried to address the conditions of approval but have encountered limitations.

Condition 1b modification

We are requesting a modification to this condition to allow on-site lighting to be lit during harvesting/milling season. The proposed changes to staff's condition are in bold.

Public access to the site for tasting room/restaurant/limited food service facility/retail sales operation shall be restricted to a total of 5 days per week with 3 of those days from 11:00 am to 5:00 pm and 2 days per week from 11:00 am to 9:00 pm. All onsite lighting shall be extinguished by 9 pm. Additionally, all guest and staff shall be off-site by 9 pm. **“Lights out by 9 pm does not include lighting required for the harvesting/milling season. However, during the harvesting/milling season, lights out will remain in effect regarding the tasting room and restaurant.”**

Condition 1g modification

We are requesting a modification to this condition since the owners cannot hold a workshop/tours and attend to the tasting room concurrently. The proposed changes are highlighted below.

Public access to the site for ~~educational olive oil tours, olive oil workshops~~, olive oil club functions, and olive oil related incidental uses shall be restricted to fewer than 50 people to a total of 5 days per week with 3 of those days limited to the hours of 11:00 am to 5:00 pm and 2 of those days limited to the hours of 11:00 am to 9:00 pm. **Reasonable** private gatherings of family and friends of the property owners are not limited. **“Olive oil workshops and private olive oil tours (including school tours) are limited to the hours from 9 am to 5 pm daily. Workshops will not exceed 8 per year and private tours will not exceed 1 per month.”**

Condition 27 modification

We propose adding wording to allow for paving options. The proposed changes are bolded.

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 **from Kiler Canyon Road to the gate. Paving the area may be achieved by using either asphalt paving, chip seal or re-used/recycled asphalt** or,
- b. During peak season and for the life of the project, maintain the unpaved driveway with dust suppressant such that 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.