



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE August 5, 2016	CONTACT/PHONE Holly Phipps (805) 781-1162	APPLICANT Rob and Lori Gillespie	FILE NO. DRC2014-00027
EFFECTIVE DATE August 20, 2016			
SUBJECT A request by ROB AND LORI GILLESPIE for a Minor Use Permit (DRC2014-00027) to allow Temporary Events within a single family residence or within a barn on a 29.02 acre project site. The Temporary Events program will include: 10 events with up to 400 guests; 20 events with up to 350 guests; 10 events with up to 250 guests. No more than 40 events (including non-profits) are proposed onsite during one calendar year. The project also includes the phased construction of an approximate 4,000 sf barn. The project will result in the disturbance of approximately 4,500 sf. The project is located within the Rural Lands land use category, on the northeastern side of Ormonde Road (at 490 Ormonde Road), approximately 1.8 miles north of the City of Arroyo Grande, in the South County Planning Area, San Luis Bay Inland Sub Area South.			
RECOMMENDED ACTION 1. Adopt the Mitigated Negative Declaration in Exhibit D in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Minor Use Permit DRC2014-00027 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION 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 June 30, 2016 for this project. Mitigation measures are proposed to address air quality, biological resources, geology and soils, hazards/hazardous materials, public services/utilities, transportation, and water/hydrology and are included as conditions of approval.			
LAND USE CATEGORY Rural Lands	COMBINING DESIGNATION Energy Extractive Area	ASSESSOR PARCEL NUMBER 044-301-043	SUPERVISOR DISTRICT(S) 3
PLANNING AREA STANDARDS: South County Planning Area, San Luis Bay Inland Sub Area South.			
LAND USE ORDINANCE STANDARDS: Section 22.62.050 Minor Use Permit Approval; Section 22.10.090 Heights; Chapter 22.18 Parking and loading; Chapter 22.20 Sign Ordinance; Section 22.10.180 Water quality, Section 22.10.120 Noise Standards; Section 22.30.610 Temporary Events. Does the project conform to the Land Use Ordinance standards? Yes - see discussion.			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on August 20, 2016, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

EXISTING USES: Accessory structures	
SURROUNDING LAND USE CATEGORIES AND USES: North: Rural Lands; single family residence East: Rural Lands; single family residence, ag uses South: Rural Lands; agricultural uses West: Rural Lands; single family residence	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Agricultural Commissioner, CAL FIRE, Air Pollution Control District, and Building Division.	
TOPOGRAPHY: Gently sloping to moderately sloping	VEGETATION: Grasses , oak woodland
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system, portable restrooms Fire Protection: CAL FIRE	ACCEPTANCE DATE: October 10, 2014

PROJECT DESCRIPTION

The proposed project would allow Temporary Events within a single family residence or within a barn on a 29.02 acre project site. The project also includes the phased construction of an approximate 4,000 sf barn. The project will result in the disturbance of approximately 4,500 sf.

The Temporary Events program will include:

- 10 events with up to 400 guests;
- 20 events with up to 350 guests;
- 10 events with up to 250 guests.

No more than 40 events (including non-profit events) are proposed onsite during one calendar year. Events are proposed to be held from 10 a.m. to 10 p.m. The applicant is not requesting outdoor amplified music. Food will be provided by a licensed caterer and prepared off-site.

A tentative list of event types is as follows:

- | | |
|--------------------------------|-----------------------------------|
| Agriculture Food & Craft Shows | Educational or Corporate Seminars |
| Class Reunions | Birthday Celebrations |
| Harvest Festivals | Holiday Parties |
| Flower Shows or Festivals | Family Reunions |
| Food Festivals | Wine Symposia |
| Weddings | |

Code Violations

There have been two code violations for onsite grading associated with this property. Construction of a drainage basin triggered COD2011-00437 and was closed after the applicant submitted and the County approved an erosion/restoration plan. A second violation (COD2012-00117) involved unpermitted structures, events, and as-built grading for structures, pads, landscape, and parking area in various areas on the property. The following permits resolved those issues: PMT2013-01291, PMT2013-01292 and PMT2014-00120.

Project History

A building permit (PMT2013-01291) was obtained for a single family residence (1,336 sf with a 255 sf deck) as well as a 450 sf single family accessory structure/workshop (PMT2013-01292). An as-built grading permit (PMT2014-00120) was also obtained for site work done in the past. A fire destroyed the single family residence just days before the final occupancy in March 2015. In December, 2015 a building permit application was submitted for 4,990 square foot single family dwelling with a 7,495 square foot assembly room that can be used as a great room or assembly

room for events (PM2015-01038). That permit is on hold pending a decision on the minor use permit to authorize events.

Board Resolution No. 2008-152

Temporary Events. On October 6, 2009, the Board of Supervisors adopted a resolution interpreting the Temporary Events Ordinance (Section 22.30.610 of the Land Use Ordinance). The Board of Supervisors concluded that, while a Minor Use Permit can authorize multiple events, the life of the Minor Use Permit shall be defined as part of the approval. This means that Temporary Events may not be authorized in perpetuity through the granting of a single Minor Use Permit.

The Board of Supervisors did not establish criteria for how long the Minor Use Permit should be in effect. Instead, this decision has been made on a case-by-case basis by the Review Authority. Previous projects have received approval for a period of between 5 and 20 years.

Since the Board has adopted this interpretation, only six other temporary event authorizations have been granted. The following table compares four previously approved temporary event permits:

Project	Lemm DRC2007-00176	Vogt DRC2008-00047	Waddell DRC2008-00110	Edwards DRC2008-00148	Judd DRC2009-00056	Rava DRC2010-00086
History	Residential, agricultural	Residential, agricultural	Residential, agricultural	Non-profit events	Residential, agricultural	Agriculture
Access	Local road	Arterial highway	Principal arterial	Arterial road	Collector road	Arterial road
Zoning	Agriculture	Agriculture	Agriculture	Residential Rural	Agriculture	Agriculture
Events	20, annually	12, annually	18, annually	16, annually (plus non-profit events)	20, annually	25, annually
Guests	Up to 100	Up to 150	Up to 200	Up to 200	Up to 150	250 to 1000
Life	5 years	8 years	18 years	20 years	15 years	20 years

In this specific case, staff recommends a 20-year time limit for this Minor Use Permit. This period is being considered due to specific project-site characteristics:

- Access – The site is located on a collector road approximately 1.8 miles north of the City of Arroyo Grande. The travel lanes are 10-11 feet wide. The existing traffic volumes are low (265 ADT) based on counts taken by the County. Based on the arrival and departure patterns, the event project trips will not have a significant impact on safety nor impact current circulation patterns.
- Noise - The project proposes to have up to 40 special events per year; events will be conducted between the hours of 10 a.m. and 10 p.m. Noise impacts are considered less than significant because:
 - The application does not include a request for amplified music.
 - The outdoor picnic areas where events may occur is located in a natural bowl on the project site which will help protect surrounding properties from outdoor noise.
 - The nearest dwellings are at least 650 feet from the events area.
 - The events will be held inside a 7,495 square foot assembly hall attached to the single family dwelling or inside a barn.

LAND USE ORDINANCE STANDARDS

Ordinance Compliance:

Title 22, Section - 22.30.610 - Temporary Events is an allowable use on Rural Lands land subject to the land use permit required by the specific use standards in Section 22.30.610 and is subject to Minor Use Permit approval.

Temporary Events (Section 22.30.610)			
<u>Standard</u>	<u>Required</u>	<u>Proposed</u>	<u>In Compliance</u>
Temporary Events	Allowable on agricultural land subject to Minor Use Permit	Minor Use Permit submitted	Yes
Time Limits	Events may not occur more than 12 consecutive days; Events may not occur more than 4 consecutive weekends	<ul style="list-style-type: none"> 40 temporary events 	Yes as conditioned
Located greater than 1,000 feet from land zoned single-family residence	Surrounding property zoned Agricultural	Surrounding property zoned Agricultural	Yes
Access	Provide (2) two 18 feet wide access points	Existing two access points meet CAL FIRE standards	Yes
Parking	400 sf per vehicle; Located on open areas with slopes of 10 % or less, free of combustible material;	Ample space exists around existing and proposed buildings and driveway areas.	Yes
Fire Safety	To be provided by CAL FIRE	CAL FIRE has issued Fire Safety Clearance letter	Yes as conditioned
Water and Wastewater	Facilities to be provided as required by Environmental Health	Environmental Health has reviewed; permits may be required	Yes as conditioned

Miscellaneous Ordinance Sections			
Signs (Section 22.60.060)	Maximum of 100 sf of signage; one free standing or monument	No Signs proposed	Yes
Limitation on Use / Noise (Section 22.10.120)	Hourly Leq, decibels - 50 daytime, 45 nighttime	40 temporary events per year proposed	Yes, as conditioned

Extractive Resources Area (EX)

The site has an Extractive Resources Area (EX) combining land use designation and was previously utilized for an oil extraction operation which ended in 2000. Information provided from the State Department of Conservation's Division of Oil, Gas & Geothermal Resources has been provided that the wells are inactive and have been capped. The property is now owned by Rob and Lori Gillespie, who purchased the property in 2005.

The Inland Framework for Planning states that the purpose of the EX designation is to

1. To identify areas where mineral or petroleum extraction occurs, is proposed to occur, or where petroleum or mineral reserves of statewide significance exist, as defined by the State Geologist.
2. To protect existing extraction areas so that land uses incompatible with continuing extraction activities will not be developed on adjacent properties.
3. To protect existing energy production areas and regional production facilities so that incompatible uses will not be developed on adjacent properties such that the energy production facilities may become dangerous or detrimental to public health and safety.
4. To protect energy production areas from encroaching urban development or other incompatible land uses that may hinder their continued operation.

Required Finding per Section 22.14.040, states that an approval of any use other than energy production or resource extraction may be granted when the finding is made that the proposed use will not adversely affect the continuing operation or expansion of the energy or extraction use.

Any future development on the said property would be required to meet permit requirements and the finding requirements for EX combining designation. At the time of application for any future development on this property, the County would review of the proposed project, be required to make the required findings, and apply appropriate conditions to that project.

PLANNING AREA STANDARDS

The project is located in the South County Planning Area, San Luis Bay Inland South Sub Area South and no applicable standards apply to the site.

COMMUNITY ADVISORY GROUP COMMENTS

The project is not located within an advisory group purview.

AGENCY REVIEW

Public Works – Stock conditions have been applied to project;

CAL FIRE – See attached Fire Safety letter dated January 27, 2016, secondary access required for events; fire sprinklers required;

Environmental Health – An annual permit may be required for the water supply at this facility;

Air Pollution Control District – Dust suppressants required on access roads or paved;

Building Division – Project subject to current California Codes.

LEGAL LOT STATUS

The lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Holly Phipps and reviewed by James Caruso.