

EXHIBIT A – FINDINGS
DRC2014-00134 Vander Horst

- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because of the following:
- i. ~~Improvements to the existing driveway and proposed secondary access will allow adequate two-way traffic circulation on the site.~~ Move to F. ii.
 - ii. Temporary events are temporary and the existing agricultural operations – vineyards, irrigated pasture, and grazing will not be impacted and is consistent with AGP-6 Visitor Serving and Retail Use and Facilities (rev. May 2010) and the Ag Liaison Advisory Board-approved Criteria for Primary Agricultural Determinations.
 - iii. ~~Frontage improvements including widening of the road should from the city limits to the primary access driveway to a Class II bike lane will alleviate circulation conflicts between road users.~~**
 - iv. ~~The Transportation Demand Management Plan includes provisions for event traffic control, event hosting limitations, and enforcement and monitoring compliance.~~ Move to F.iii.
- 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 of the following:
- i. The project is accessed from Orcutt Road, a county-maintained rural collector road;
 - ii. Improvements to the existing driveway and proposed secondary access will allow **safe and** adequate two-way traffic **for patrons and emergency vehicle** circulation on the site. ~~The driveway improvements will allow for adequate two-way traffic and adequate site distance;~~
 - iii. The implementation of a final, approved Transportation Demand Management Plan and conditional performance agreement for future traffic study (if warranted) will ensure long-term efficacy of traffic management, including provisions for event traffic control, event hosting limitations, and enforcement and monitoring compliance.

**See comments to Exhibit B – Conditions of Approval no. 11.a.

EXHIBIT B – CONDITIONS OF APPROVAL
DRC2014-00134 Vander Horst

Approved Development

COA 2. This authorization, once vested, shall remain valid for a period of ~~15~~ 20 years from its effective date.

APPLICANT’S COMMENT:

- BOS Resolution, adopted October 6, 2009, did not establish a specific time limit or criteria for how long a permit should be in effect. Instead, the decisions have been made on a case-by-case basis.

Access

COA 11. 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. ~~Orcutt Road Shall be widened to complete the project frontage shoulder to an A-1 rural road standard with a 6-foot minimum paved surface between the San Luis Obispo City limits and the primary access driveway.~~

APPLICANT’S COMMENT:

1. Not Required per Environmental Review - Initial Study/MND states “...concerns by the Bike Coalition and City of SLO regarding potential conflicts between traffic generated by the project and users of this popular cycling route. While not identified as a significant circulation impact requiring mitigation...” (emphasis added)
2. Not Required per Resolution 2008-152 – Table 2. Criteria for road improvements for on-subdivision developments

Therefore, the street improvement condition is not part of existing legislation and/or regulation, but has been applied ad hoc to the project. To be applicable, the standard test requires the following:

- Essential nexus present, i.e., the (extraction) condition must enhance the public interest, and;
 - There must be a rough proportionality between the magnitude of the (extraction) condition and the nature/extent of the project impact.
3. Cost of improvement - \$387,000± (Specialty Construction, Inc., Orcutt Road Widening, August 22, 2016)

4. Future improvements – Excerpt from SLOCOG’s 2014 RTP



Appendix A - Project Tables and Maps

Table 6-8. Class II Projects in Central County

2014 RTP Project ID	Project Name	Project Description	Sponsor	Community	Map location in document	2014 Cost Estimate
CEN-AT2-1001	Orcutt Rd. bike lanes: San Luis Obispo city limits to Biddle Ranch Rd.	Upgrade Orcutt Rd. to arterial standards with bike lanes	SLO County Public Works	Rural Central County	Map 6-5	\$3,000,000

ALTERNATIVE SOLUTIONS:

1. Include event warning signage into the TDMP pursuant to the approval of the Public Works Director.
2. Provide a public access easement on Orcutt Road along the entirety of the property frontage to allow for the ultimate build-out of Orcutt Road to an arterial with bike lanes.
3. Provide a public access easement along the south westerly property line to accommodate the future Railroad Safety Trail.

Left Turn Study Agreement

COA 25. Prior to issuance of a construction permit, the applicant must enter into an agreement with the County Department of Public Works, in a form acceptable to County Counsel, to **pay its fair share of a traffic analysis to determine the necessity of** ~~defer~~ construction of a standard left-turn channelization at the intersection of Orcutt Road and the primary project access driveway ~~until such time the Director of Public Works demands performance~~. To guarantee performance under the agreement, the applicant shall either create a lien against the property or post a security such as a performance bond or letter of credit **for the cost of the analysis**. The Agreement must be recorded with the County Clerk-Recorder’s Office as a lien on the property.

APPLICANT’S COMMENT:

- The application of conditions of approval and/or mitigation measures must be based upon quantifiable criteria and established threshold levels and not based upon the discretion of the Public Works Director, et al.

Bed & Breakfast

COA 58. The bed and breakfast shall be operated in a manner that promotes the ongoing agricultural activities on the project site pursuant to AGP6. If the bed and breakfast is not operated in such a manner, then the bed and breakfast use shall be discontinued. ~~and the horse barn shall be re-used on site as an agricultural structure.~~

APPLICANT'S COMMENT:

- Excerpt AGP6 – Implementation: Both the LUE (Table ‘O’, Allowable Uses) and LUO allow a variety of uses accessory to agricultural operations, such as a winery tasting room, a bed-and-breakfast, or a restaurant. The accessory uses must be clearly incidental and secondary to the primary agricultural use of the site and must comply with performance standards in the ordinance. The types of uses and the effectiveness of the performance standards for their establishment should be monitored over time and, if necessary, future amendments proposed that will further enhance the agricultural operations by the establishment of accessory uses.