

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building		(2) MEETING DATE August 1, 2006		(3) CONTACT/PHONE Brian Pedrotti, AICP, Current Planning (805) 788-2788	
(4) SUBJECT Continued hearing to consider an appeal by Cathy MacGregor of the Planning Commission's disapproval of a Minor Use Permit application (DRC2003-00043) for a winery building including wine processing, barrel storage, and tasting room. The project is located at the northwest corner of the intersection of Price Canyon Road and Edna Road, south of Old Price Canyon Road at 1600 Old Price Canyon Road, approximately 2.5 miles south of the City of San Luis Obispo. The site is in the San Luis Obispo planning area. (Supervisorial District No. 3)					
(5) SUMMARY OF REQUEST On January 10, 2006, the Board of Supervisors held a hearing for the above-referenced item. The Board upheld the appeal by Cathy MacGregor of the Planning Commission's disapproval of Minor Use Permit DRC2003-00043 and continued the hearing to March 21, 2006 for final action. On March 21, 2006, the Board continued the item to June 6, 2006, and again continued the item to August 1, 2006 to allow additional time to complete the required botanical survey. The site is within the Agriculture land use category.					
(6) RECOMMENDED ACTION Adopt the resolution reversing the decision of the Planning Commission and conditionally approving the application of Cathy MacGregor for Minor Use Permit DRC2003-00043 based on the findings in Exhibit A and the Conditions in Exhibit B.					
(7) FUNDING SOURCE(S) Appeal Fee		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): County Public Works, County Environmental Health, County Parks, CDF, APCD, Cal Trans, City of SLO.					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input checked="" type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input type="checkbox"/> All			(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A		(15) Maddy Act Appointments Signed-off by Clerk of the Board
(16) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est. 60 minutes) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(17) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A		
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(19) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) _____			(21) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input type="checkbox"/> N/A Date June 6, 2006
(23) ADMINISTRATIVE OFFICE REVIEW <p align="center"><i>Ok Leslie Born</i></p> <p align="right"><i>C-3 8-1-06</i></p>					



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: BOARD OF SUPERVISORS
FROM: BRIAN PEDROTTI, CURRENT PLANNING
VIA: WARREN HOAG, DIVISION MANAGER, CURRENT PLANNING *WH*
DATE: AUGUST 1, 2006

SUBJECT: CONTINUED HEARING TO CONSIDER AN APPEAL BY CATHY MACGREGOR OF THE PLANNING COMMISSION'S DISAPPROVAL OF A MINOR USE PERMIT APPLICATION (DRC2003-00043) FOR A WINERY BUILDING INCLUDING WINE PROCESSING, BARREL STORAGE, AND TASTING ROOM. THE PROJECT IS LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF PRICE CANYON ROAD AND EDNA ROAD, SOUTH OF OLD PRICE CANYON ROAD AT 1600 OLD PRICE CANYON ROAD, APPROXIMATELY 2.5 MILES SOUTH OF THE CITY OF SAN LUIS OBISPO. THE SITE IS IN THE SAN LUIS OBISPO PLANNING AREA. (SUPERVISORIAL DISTRICT NO. 3)

RECOMMENDATION

Adopt the resolution reversing the decision of the Planning Commission and conditionally approving the application of Cathy MacGregor for Minor Use Permit DRC2003-00043 based on the findings in Exhibit A and the Conditions in Exhibit B.

DISCUSSION

Background

On January 10, 2006, the Board of Supervisors held a hearing for the above-referenced item. The Board upheld the appeal by Cathy MacGregor of the Planning Commission's disapproval of Minor Use Permit DRC2003-00043 and continued the hearing to March 21, 2006 for final action. On March 21, 2006, the Board continued the item to June 6, 2006, and again continued the item to August 1, 2006 to allow additional time to complete the required botanical survey.

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Ordinance Compliance:

<u>Standard</u>	<u>Allowed/Required</u>	<u>Proposed</u>
Minimum Site Area	20 acres	24.9 acres
Setbacks From property lines From residences	100 feet 200 feet	125 feet Approx. 600 feet
Height	35	29
Parking 1/2,000 sq. ft. of active use 1/5,000 sq. ft. of storage 1/200 sq. ft. of tasting room	2,000 square feet of active use and storage (1 space) 400 square feet (2 spaces)	Total Proposed = 10
Signs	Per sign ordinance	None
Screening	All visible structures required to be screened	Landscaping/screening plan provided
Lighting	Lighting fixtures not visible, dark colored	Exterior Lighting Plan to be provided as condition
Tasting Room Location	Within 200 feet of facility	Tasting room attached
Special Events	Various – See Sec. 22.30.070 Title 22, Land Use Ordinance	None proposed

Special Exterior Design Standard

The Land Use Ordinance includes design standards for structures associated with wineries, including production facilities. All structures shall have an exterior design style that is agricultural or residential in nature using non-reflective siding and roofing materials. The Board of Supervisors, at their meeting on January 10, 2006, indicated that the proposed design met the exterior design criteria.

PLANNING AREA STANDARDS:

The project site is located within the Rural Area of the San Luis Obispo Planning Area. Applicable standards include requirements for application referrals to the City of San Luis Obispo, open space preservation, production agricultural areas, and highway corridor design standards. The Board of Supervisors, at their meeting on January 10, 2006, indicated that all Planning Area Standards were satisfied by the applicant.

OTHER AGENCY INVOLVEMENT/IMPACT

The project was referred to: County Public Works, County Environmental Health, County Parks, CDF, APCD, Cal Trans, City of SLO.

Public Works – Agree with recommendations of traffic analysis. Conditions of approval including realignment of Old Price Canyon Road to Maxwellton, signage, relocation of mailbox

Cal Trans – See original letter dated February 3, 2005. Safety and operational considerations.

Ag Commissioner – Location of winery not supported.

Environmental Health – Concerns about placement of on-site septic systems, steep slopes. Do not support proposal.

City of San Luis Obispo – Does not comply with hillside design standards. Concerns with grading, visual impacts, architectural design.

CDF – See fire safety letter dated March 11, 2004.

APCD – Conditions related to dust control, demolition, naturally-occurring asbestos, developmental burning, operation phase emissions.

LEGAL LOT STATUS:

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

FINANCIAL CONSIDERATIONS

The appeal was processed using the applicant's appeal fees.

RESULTS

Approval of the appeal would mean the Minor Use Permit is approved and the winery can be constructed as proposed. Upholding the Planning Commission decision will mean the Minor Use Permit is denied and the winery cannot be constructed as proposed.

ATTACHMENTS

1. Mitigated Negative Declaration and Notice of Determination
2. Board of Supervisors Resolution with findings and conditions
3. Appeal letter and attachments
4. Graphics
 - a. Vicinity Map
 - b. Land Use Map
 - c. Grading/Drainage Plan
 - d. Landscaping Plan
 - e. Building Elevations
 - f. Exhibit A – Location of through road
5. Planning Commission Staff Report for August 11, 2005

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IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION REVERSING THE DECISION OF THE
PLANNING COMMISSION AND CONDITIONALLY APPROVING
THE APPLICATION OF CATHY MACGREGOR FOR
MINOR USE PERMIT DRC 2003-00043

The following resolution is now offered and read:

WHEREAS, on August 11, 2005, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the "Planning Commission") duly considered and disapproved the application of Cathy MacGregor for Minor Use Permit DRC2003-00043; and

WHEREAS, Cathy MacGregor has appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 22 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on November 18, 2005, and the matter was continued to January 10, 2006, March 21, 2006, and June 6, 2006, and determination and decision was made on August 1, 2006; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and determined that the appeal should be upheld and the decision of the Planning Commission should be reversed and that the application should be approved based upon the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.
3. That the negative declaration prepared for this project is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.

EXHIBIT A - FINDINGS

Environmental Determination

A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on July 12, 2006 for this project. Mitigation measures are proposed to address aesthetics, air quality, biological resources, geology and soils, hazards and hazardous materials, public services and utilities, transportation and circulation, and wastewater, and are included as conditions of approval.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the winery building, including wine processing, barrel storage, and tasting room, does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Land Use Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the winery building, including wine processing, barrel storage and tasting room, is similar to, and will not conflict with, the surrounding lands and uses.
- 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 will take access through dedicated right-of-way onto Maxwellton Street, a local road constructed to a level able to handle any additional traffic associated with the project



**MacGregor Winery Minor Use Permit
EXHIBIT B - CONDITIONS OF APPROVAL**

Approved Development

1. This approval authorizes
 - a. construction of a winery building including a 406 square-foot tasting room, 2,000 square-foot processing/production area (including a small office and lab), and an additional 1,000 square-foot outdoor processing area partially covered by an awning wine. The project will result in the disturbance of approximately one acre of a 24.9 acre parcel.
 - b. maximum height is 35 from average natural grade.
 - c. No special events are allowed through this permit.
 - d. The project will include the closure of Old Price Canyon Road at Highway 227 and the construction of a through road from Maxwellton to Old Price Canyon Road.

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

Site Development

2. All development shall be consistent with the approved site plan, floor plan, and architectural elevations.
3. At the time of application for construction permits, submit a revised 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 the revised and approved plan:
 - a. The closure of Old Price Canyon Road at Highway 227 and the construction of a through road from Maxwellton to Old Price Canyon Road. The through road shall begin in the location shown on Exhibit A.
4. **At the time of application for construction permits**, the applicant shall clearly delineate on the project plans the location and visual treatment of any new water tanks. All water tanks shall be located in the least visually prominent location feasible when viewed from Highway 227 and Price Canyon Road. Screening with topographic features, existing vegetation or existing structures shall be used as feasible. If the tanks cannot be fully screened with existing elements, then the tanks shall be a neutral or dark, non-contrasting color, and landscape screening shall be provided. The applicant shall provide evidence that the proposed tanks are as low profile as is possible, given the site conditions. Landscape material must be shown to do well in existing soils and conditions, be fast-growing, evergreen and drought tolerant. Shape and size of landscape material shall be in scale with proposed tank(s) and surrounding native vegetation. Plans shall show how plants will be watered and what watering schedule will be applied to ensure successful and vigorous growth.

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5. **At the time of application for construction permit**, a cost estimate for a planting plan, installation of landscaping, and maintenance of new landscaping for a period of three years shall be prepared by a qualified individual (e.g., landscape contractor), and shall be reviewed and approved by the County Department of Planning and Building. Prior to issuance of any construction permit, a performance bond, equal to the cost estimate, shall be posted by the applicant for a period of three years. Installation of the landscaping, as approved, **shall be completed within 60 days of final inspection or occupancy, whichever occurs first.**
6. If after five years from initial planting, the landscape screening does not provide the amount of specified screening of the building/structures, exterior colors shall be changed so no colors seen from Highway 227 and Price Canyon Road will have a color with a value or intensity greater than "6" (preferably less (darker)) as provided in the Munsell Book of Color. These colors shall blend with the surrounding natural environment. Prior to permit issuance, a bond shall be posted with the county for the costs of painting the structure(s) exterior.
7. **At the time of application for construction permits**, the applicant shall provide an exterior lighting plan. The plan shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from Highway 227 or Price Canyon Road. All lighting poles, fixtures, and hoods shall be dark colored. This plan shall be implemented prior to final inspection or occupancy, whichever occurs first. The height of free standing or security outdoor lighting fixtures shall be kept as low as is practically possible and no higher than 4 feet so that they are not visible from Highway 227 or Price Canyon Road.
8. **At the time of application for construction permits**, the applicant shall show on the project plans, the border of cut slopes and fills rounded off to a minimum radius of five feet. For any visible cuts from key viewing areas previously identified, sufficient topsoil shall be stockpiled and reapplied or re-keyed over these visible cut areas to provide at least 8" of topsoil for the reestablishment of vegetation. **As soon as the grading work has been completed and prior to final inspection**, the cut and fill slopes shall be reestablished with non-invasive, fast-growing vegetation.
9. Access driveway width shall be limited to 20 feet within those areas shown on the grading plans as described in the March 11, 2004 letter from the County Fire Department/California Department of Forestry. **At the time of application for construction permit**, the driveway shall be shown on project plans.

Water

10. **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.
11. Site and building plans/water storage shall be reviewed by the following agencies. Provide the Department of Planning and Building with letter or other verification that these agencies have reviewed the project, together with any requirements imposed before issuance of a building permit:
 - a. County Health Department
 - b. Regional Water Quality Control Board

Fire Safety

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12. **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 CDF/County Fire Department for this proposed project. (A copy is attached)

Services

13. **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.
14. **At the time of application for construction permits**, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.
15. Liquid waste generated by the winery operations must be discharged to a waste water system designed by a civil engineer with expertise in the design of winery wastewater systems and approved by the County Building Official or Regional Water Quality Control Board. Such system shall not create offensive odors or materially impair the quality of groundwater for domestic or agricultural use. **Prior to discharge of winery wastewater**, the applicant shall obtain approval/permits from the Regional Water Quality Control Board. In no case shall winery wastewater be discharged into a stream or other surface water.
16. Waste Discharge permit or exemption from a permit from the Regional Water Quality Control Board. A copy of the permit or exemption from a permit shall be submitted to the County Planning and Building Department and Environmental Health Department **prior to discharge of winery wastewater**.
17. Solid vegetable waste from the winery (pomace), shall be removed from the site to an approved composting/green waste facility or composted on the site and used as a soil amendment. In no case shall pomace be treated, stored, or disposed of in a manner that could result in runoff into any surface stream.

Conditions to be completed prior to issuance of a construction and/or grading permit

18. **Prior to issuance of grading permits**, the applicant shall ensure that a geologic evaluation is conducted to determine if Naturally Occurring Asbestos (NOA) is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the APCD. If NOA is found at the site, the applicant shall comply with all requirements outlined in the Asbestos Air Toxics Control Measure (ATCM).
19. **Prior to commencement of tree removal associated new construction**, to avoid conflicts with nesting raptors, construction activities shall not be allowed during to the nesting season (March to July), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to the County (Environmental Division), possibly with recommendations for variable buffer zones, as needed, around individual nests.

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20. **Prior to issuance of grading or construction permits**, the applicant shall submit a drainage plan for review and approval by the Department of Planning & Building and Public Works Department.
21. **Prior to issuance of grading or construction permits**, the applicant shall submit a sedimentation and erosion control plan for review and approval by the Department of Planning & Building and Public Works Department. The plan shall include best management practices which can include, but are not limited to: avoiding grading during the wet-weather months, revegetation plans that allow slope stabilization prior to the wet season, and following existing contours to the greatest extent feasible.
22. **Prior to issuance of grading or construction permits**, the applicant shall submit a soils engineering report for review and approval by the Department of Planning & Building and Public Works Department.
23. **Prior to issuance of grading or construction permits**, the applicant shall grant an avigation easement to the County.
24. Full disclosure of the ALUP zone and the probability of aircraft over-flights and noise events shall be made to the applicant.
25. All owners, potential purchasers, occupants (whether as owners or renters), and potential occupants (whether as owner or renters) shall receive full and accurate disclosure concerning the presence and operations of the San Luis Obispo County Regional Airport and any noise, safety, or over-flight impacts associated with airport operations prior to entering any contractual obligation to purchase, lease, rent, or otherwise occupy any property or properties.
26. **Prior to issuance of grading or construction permits**, the applicant shall provide soil borings at leach line locations showing that there is adequate separation, or if inadequate separation, plans for an engineered wastewater system that shows how the basin plan criteria can be met as required by Title 19, Building and Construction Ordinance. The leach lines shall be located at least 100 feet from any private well and at least 200 from any community/public well. **Prior to building permit issuance**, the septic system will be evaluated in greater detail to insure compliance with the Central Coast Basin Plan for any constraints listed above, and will not be approved if Basin Plan criteria cannot be met

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

27. **Prior to final inspection**, the following road improvements shall be constructed under an inspection and checking agreement and encroachment permit issued by the County Public Works Department to be completed:
 - a. The intersection of Maxwellton Street and Highway 227 shall be designed and constructed to comply with CalTrans standards for a public intersection.
 - b. Maxwellton shall be improved to an A-1 (rural) standard within a minimum 50-foot dedicated right-of-way.
 - c. The applicant shall install the advance intersection-warning signage as recommended by the traffic study, subject to the approval of Caltrans.
 - d. The applicant shall relocate the existing group of mailboxes as recommended in

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- the traffic study.
- e. Old Price Canyon Road shall be realigned to take access from Maxwellton Street, and improved to an A-1 (rural) standard within a minimum 40-foot dedicated right-of-way. Any portion of the existing roadway not perpetuated in the new alignment shall be obliterated to the satisfaction of the Department of Public Works.
28. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall implement the proposed landscaping plan, as shown on the attached Exhibit F. In conjunction with the implementation of the landscaping plan, the applicant shall submit a letter, prepared by a qualified individual (e.g., arborist, landscape architect/contractor, nurseryman), to the Department of Planning and Building stating that the planting has been completed.
29. To guarantee the success of the landscaping, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/contractor, nurseryman) to monitor the new vegetation until successfully established, on an annual basis, for no less than three years. The first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the newly planted vegetation is successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report and approved by the Environmental Coordinator.
30. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before final building inspection. If bonded for, landscaping shall be installed within 60 days after final building. All landscaping shall be maintained in a viable condition in perpetuity.
31. **Prior to occupancy or final inspection, whichever occurs first**, the applicant shall implement the proposed color board, showing exterior finish materials, colors, and height above the existing natural ground surface. No structure shall exceed 28 feet in height.
32. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
33. **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.

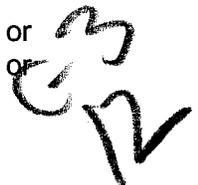
Environmental Mitigations

34. **Upon completion of all monitoring/mitigation activities**, and after site improvements, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

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

Outdoor Storage

35. Long term outdoor winery storage areas shall be screened by solid fencing or landscaping and shall not be higher than the associated solid fence screening or



landscaping, unless the storage area is not visible from any public road or adjacent properties.

36. Any water tanks associated with the project shall be a neutral, non contrasting color, and landscape screening shall be provided so that the water tanks are not visible from any public road.
37. **During construction/ground disturbing activities**, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.
 - a. Reduce the amount of disturbed area where possible.
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Reclaimed (nonpotable) water should be used whenever possible.
 - c. All dirt stockpile areas should be sprayed daily as needed.
 - d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible.
 - e. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - f. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top load and top of trailer) in accordance with CVC Section 23114.
 - g. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto streets, or trucks and equipment shall be washed off onsite prior to leaving the site.
 - h. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

Time Limits

38. 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.
39. All conditions of this approval 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.
40. The subdivider shall as a condition of approval of this tentative or final map application defend, indemnify and hold harmless the County of San Luis Obispo or its agents, officers and employees from any claim, action, or proceeding against the County or its

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agents, officers, or employees to attack, set aside, void, or annul any approval of the County concerning this subdivision, which action is brought within the time period provided for by law. This condition is subject to the provisions of Government Code section 66474.9, which are incorporated by reference herein as though set forth in full.

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San Luis Obispo County Department of Planning and Building

DRC 2004-00043 #595
Kimberly Maston



PROJECT INFORMATION

Type of permit being appealed:

- Plot Plan
- Site Plan
- Minor Use Permit
- Development Plan
- Variance
- Land Division
- Lot Line Adjustment
- Sending Site Determination
- Other _____

File Number:

The decision was made by:

- Planning Director
- Building Official
- TDC Review Committee
- Administrative Hearing Officer
- Subdivision Review Board
- Planning Commission
- Other

Date the application was acted on

8-11-05
b. Pedrotti - proj. mgr.

The decision is appealed to:

- Board of Construction Appeals
- Board of Handicapped Access
- Planning Commission
- Board of Supervisors

BASIS FOR APPEAL

Appeal Reasons: Please state your reasons for the appeal. In the case of a Construction Code Appeal, note specific code name and sections disputed (attach additional sheets if necessary). Please Note: An appeal should be filed by an aggrieved person or the applicant at each stage in the process if they are still unsatisfied by the last action.

see attached
DRC 2004-00043

Specific Conditions. The specific conditions that I wish to appeal that relate to the above referenced grounds for appeal are:

Condition Number	Reason for appeal (attach additional sheets if necessary)
	See attached -

APPELLANT INFORMATION

Print name:

Address:

Cathy MacGregor

Phone Number (daytime):

We have completed this form accurately and declare all statements made here are true.

Catherine A MacGregor

(By: Jamie Kirk)
agent
Phone: 461-5765 Cell: 801-6195

OFFICE USE ONLY

Date Received:

8-25-2005

Amount Paid:

\$604.

By:

m. Velarde

Receipt No. (if applicable):

Revised 7/31/01/ep

Signature

22:30 PM 8/25/05
Date

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805)781-5600 • 1-800-834-4636

EMAIL: ipcoping@skonet.org

FAX: (805) 781-1242

WEBSITE: <http://www.slocoplanning.com>

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Letter of Transmittal

Date: August 25, 2005

To: San Luis Obispo County Planning Department

From: Jamie Kirk

RE: MacGregor Winery

The Planning Commission reviewed and denied Conditional Use Permit 2004-00043, a request to construct a +/- 2,400 square foot winery. The approving body did not consider the proposed winery location an appropriate site for the winery.

Planning staff raised many issues in their report to support their recommendation of denial. The main issue brought forth in the staff report was that the project is inconsistent with the Highway Corridor Design Area Standards provided in the San Luis Obispo Planning Area Standards (Chapter 9 - County Land Use Ordinance).

In their review of the project, the planning department determined that the project is within the Highway Corridor Design Area. Based upon this determination, the project is being evaluated for consistency with the "Design Criteria" for the Highway Corridor Design Area. The Highway Corridor Design Area is applied "to land within 100 foot of railroad right-of-ways and the following roads: Highway 1, Highway 101, Highway 227, Los Osos Valley Road, O'Connor Way, Orcutt Road". A small portion of the site (+/- 15 feet) is within 100 feet of Highway 227, and the rear portion of the property has land that is within 100 feet of the railroad right-of-way. The building site for the proposed winery is not located on land within 100 feet of these areas, therefore the "Design Criteria" should not be applied to the project.

Planning staff and the Planning Commission discussed two alternative locations for the winery site. The main emphasis in evaluating an alternative winery location was to address the visual impact of the proposed structure. One site proposed for the public tasting component of the winery was the Edna Store. The Edna Store location is zoned Commercial Retail and would allow for a stand alone wine tasting facility. Members of the Planning Commission thought that a viable alternative for the applicant would be to continue processing grapes in the current off-site location and open a tasting room within the Edna Store. Although the Edna Store may be an ideal site, the applicant does not own or have control of this particular piece of property.

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The entire property, with the exception of the proposed winery location, is planted with irrigated vineyards and is Class II soils. The second alternative location for the winery identified by staff and considered by the Planning Commission was at the northeast corner of the property adjacent to West Corral Creek. Although this location may not have the visual impacts associated with the applicants proposed location, there are many other significant concerns related to this location. The alternative building location is planted with 30 year old pinot noir vines, is prime soil, is adjacent to a creek, and is within a Flood Hazard combining designation. The construction of the winery and ancillary improvements in this location would result in the permanent loss of prime soils and the oldest block of pinot noir vineyards in Edna Valley.

Although the project is not subject to the Highway Corridor Design Standards, it is understood that the project is subject to the California Environmental Quality Act (CEQA). CEQA requires the lead agency to evaluate a projects impact on many resources, including Aesthetic Resources. Under the Aesthetics' portion of the initial study document CEQA asks the following questions:

Does the project:

- a) *Create an aesthetically incompatible site open to public view?*
- b) *Introduce a use within a scenic view open to public view?*
- c) *Change the visual character of an area?*
- d) *Create glare or night lighting which may affect surrounding areas?*
- e) *Impact unique geological or physical features?*

The building site is not within the primary view shed of a person driving on Highway 227 or Price Canyon Road. Although the site can be seen from public roads, the proposed building location is partially obstructed by existing vegetation from various vantage points. The building design is considered to be somewhat agrarian which is aesthetically consistent with other development in the area. Any exterior lighting fixtures utilized on the structure will be equipped with 360 degree shields, which will prevent off-site glare. Although the building is located on the only knoll on the site, the aesthetic value of the knoll is visibly degraded and is of little aesthetic value. The project will actually enhance this physical feature. The impacts the project could have on aesthetic resources can be mitigated by the implementation of landscaping and appropriate color and material treatments of the building.

Staff also had concerns about the proposed location of the wastewater treatment facility. The original leach field location was shown in an area with slopes over 30%. The leach field area can be relocated to the bottom on the knoll. Percolation tests have been completed in this area which indicates it can support a wastewater system. Additionally, the only system that will be required will be a small system for domestic purposes. The winery waste can be accommodated by direct land application, which does not require a leach field.

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Other concerns discussed and raised in the staff report were whether or not the project is consistent with the Agriculture and Open Space Element. Staff indicated that the project is inconsistent with Agricultural Policy 30 (AGP 30). AGP 30 states the following:

"In designated scenic corridors, new development requiring a discretionary permit and land division shall address the protection of scenic vistas as follows:

- Balance the protection of scenic resources with the protection of agricultural resources
- When selecting locations for structures, roads, or grading, the preferred locations will minimize visibility from the scenic corridor and be compatible with the agricultural operations
- Use natural landforms and vegetation to screen development whenever possible
- In prominent locations, encourage structures that blend with the natural landscape or are traditional for agriculture.

Although it is our contention that the project is not located within a designated scenic corridor, the project is still consistent with this policy. The project ensures long-term protection of prime soils, while providing site improvements (i.e. building massing, landscaping, color/materials treatment) that will mitigate short term visual impacts. The loss of productive prime agriculture land is a long term impact that can not be mitigated.

In addition to being consistent with AGP 30, the project is also consistent with AGP 6 and AGP 8. AGP 6 encourages winery projects to locate visitor serving and incidental retail uses off of productive agriculture lands, unless there are no other feasible locations. As stated previously, the majority of property is Class II soil and is planted with vineyards. The only area of the site that is not Class II soil is the proposed building site.

AGP 8 sets forth the policies for Intensive Agricultural Facilities (i.e. Wineries). This policy states

- Allow the development of compatible intensive agricultural facilities that support local agricultural production, processing, packing and support industries
- Locate intensive agricultural facilities off of productive agricultural lands unless there are no other feasible locations. Locate new structures where land use compatibility, circulation, and infrastructure capacity exist or can be developed with agricultural uses

The property is compatible with surrounding agricultural uses and supports the existing agriculture on the site. The development has been located on the only portion of the site that is not intensified with agricultural uses or designated as prime soils.

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COUNTY OF SAN LUIS OBISPO
MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

FOR OFFICIAL USE ONLY (BDP)

ENVIRONMENTAL DETERMINATION NO. ED05-338

DATE:

PROJECT/ENTITLEMENT: MacGregor Minor Use Permit DRC2003-00043

APPLICANT NAME: Cathy MacGregor
ADDRESS: 3482 Sacramento Drive Suite E
CONTACT PERSON: Rachel Dumas

Telephone: 805-239-4502

PROPOSED USES/INTENT: Request by Cathy MacGregor for a Minor Use Permit to allow a winery building including wine processing, barrel storage, and tasting room. The project will result in the disturbance of approximately one acre of a 24.9 acre parcel.

LOCATION: The proposed project is within the Agriculture land use category and is located at the northwest corner of the intersection of Price Canyon Road and Edna Road, south of Old Price Canyon Road at 1600 Old Price Canyon Road, approximately 2.5 miles south of the City of San Luis Obispo. The site is in the San Luis Obispo planning area.

LEAD AGENCY: County of San Luis Obispo Department of Planning & Building
 County Government Center, Rm. 200
 San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: None

ADDITIONAL INFORMATION: Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT5 p.m. on

30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination		State Clearinghouse No. _____	
This is to advise that the San Luis Obispo County _____ as <input type="checkbox"/> <i>Lead Agency</i>			
<input type="checkbox"/> <i>Responsible Agency</i> approved/denied the above described project on _____, and has made the following determinations regarding the above described project:			
<p>The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.</p>			
This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:			
Department of Planning and Building, County of San Luis Obispo, County Government Center, Room 200, San Luis Obispo, CA 93408-2040			
Brian Pedrotti		County of San Luis Obispo	
Signature	Project Manager Name	Date	Public Agency

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San Luis Obispo County
Department of Planning and Building
environmental division

ENVIRONMENTAL DOCUMENT FILING FEE FORM

NOTICE: During environmental review, this project required consultation, review or development of mitigation measures by the California Department of Fish and Game. Therefore, the applicants will be assessed user fees pursuant to section 711.4 of the California Fish and Game Code.. The California Environmental Quality Act (Section 21089) provides that this project is not operative, vested or final until the filing fees are paid.

Lead Agency: County of San Luis Obispo Date: _____
 County: San Luis Obispo Project No. DRC2003-00043
 Project Title: MacGregor Minor Use Permit

Project Applicant

Name: Cathy MacGregor
 Address: 3482 Sacramento Drive Suite E
 City, State, Zip Code: San Luis Obispo, CA 93401
 Telephone #: 805-545-8080

Please remit the following amount to the **County Clerk-Recorder:**

<input type="checkbox"/> Environmental Impact Report	\$ 850.00
<input checked="" type="checkbox"/> Negative Declaration	\$ 1250.00
<input checked="" type="checkbox"/> County Clerk's Fee	\$ <u>25.00</u>
Total amount due:	1275.00

AMOUNT ENCLOSED: _____

Checks should be made out to the "County of San Luis Obispo". Payment must be received by the County Clerk, 1055 Monterey Street, Room D-120, San Luis Obispo, CA 93408-2040, within two days of project approval.

NOTE: Filing of the Notice of Determination for the attached environmental document requires a filing fee in the amount specified above. If the fee is not paid, the Notice of Determination cannot be filed.

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**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

Project Title & No. MacGregor Minor Use Permit ; DRC2003-00043; ED 05-338

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input checked="" type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Geology and Soils	<input type="checkbox"/> Recreation
<input type="checkbox"/> Agricultural Resources	<input checked="" type="checkbox"/> Hazards/Hazardous Materials	<input checked="" type="checkbox"/> Transportation/Circulation
<input checked="" type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input checked="" type="checkbox"/> Wastewater
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input type="checkbox"/> Water
<input type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> Land Use

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Brian Pedrotti
Prepared by (Print)

Signature

Date

Reviewed by (Print)

Signature

Ellen Carroll,
Environmental Coordinator
(for)

Date

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Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 200, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by Cathy MacGregor for a Minor Use Permit to allow a winery building including wine processing, barrel storage, and tasting room. The project will result in the disturbance of approximately one acre of a 24.9 acre parcel. The proposed project is within the Agriculture land use category and is located at the northwest corner of the intersection of Price Canyon Road and Edna Road, south of Old Price Canyon Road at 1600 Old Price Canyon Road, approximately 2.5 miles south of the City of San Luis Obispo. The site is in the San Luis Obispo planning area.

ASSESSOR PARCEL NUMBER(S): 044-151-009

SUPERVISORIAL DISTRICT # 3

B. EXISTING SETTING

PLANNING AREA: San Luis Obispo, Rural

LAND USE CATEGORY: Agriculture

COMBINING DESIGNATION(S): Airport Review, Flood Hazard

EXISTING USES: Agricultural uses (vineyard)

TOPOGRAPHY: Nearly level with a prominent, centrally-located hill

VEGETATION: Vineyards , riparian, pine trees

PARCEL SIZE: 24.9 acres

SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Residential Suburban; undeveloped	<i>East:</i> Agriculture; row crop, Highway 227
<i>South:</i> Agriculture; scattered residences	<i>West:</i> Agriculture; row crop, Price Canyon Road

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY CHECKLIST**

1. AESTHETICS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Create an aesthetically incompatible site open to public view?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Introduce a use within a scenic view open to public view?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the visual character of an area?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Create glare or night lighting, which may affect surrounding areas?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Impact unique geological or physical features?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project area is characterized as a mixture of rural and agricultural uses, interspersed with scattered residential uses. Vineyards are common in the Edna Valley and are a major visual component. The overall scenic value of the area is high. The project site is mostly level and developed with vineyards, with a prominent rocky hill located in the central portion of the site. The project will be visible from Highway 227, a minor arterial, and Price Canyon Road, an urban arterial. The site is located near the intersection of Price Canyon Road and Highway 227, a route designated as within the Highway Corridor Design Area of the San Luis Obispo Planning Area. The LUO states that these standards are intended "to protect views of scenic backdrops and background vistas and foreground views from scenic roads and highways, and other environmental resources that provide habitat and watershed drainage."

Impact. The project proposes development of a winery building including wine processing, barrel storage, and tasting room. The development is proposed on the central rocky outcrop, above the surrounding vineyards. The site is located between railroad tracks to the west, Price Canyon Road to the south, and Highway 227 to the east. The Old Edna store and deli with associated accessory structures is located on property to the north. When viewed from Price Canyon Road, the proposed 30-foot high building will silhouette above the skyline of the Santa Lucia Mountains to the east. When viewed from Highway 227, the proposed building would silhouette above the skyline of the hills along Price Canyon Road. In addition, grading for the building and driveway to the top of the hill will involve 2:1 cut and fill slopes that will be visible from both roads. Scattered trees along the riparian corridor of Pismo Creek may partially screen lower portions of driveway grading. The Board of Supervisors, at their meeting on January 10, 2006, provided direction to the applicant and staff that the winery and associated structures were appropriate at the top of the hill and directed staff to implement landscape screening and other measures to reduce potential visual impacts.

Mitigation/Conclusion. To minimize visual impacts of the winery and accessory structures, mitigation measures have been incorporated to enhance its compatibility with the surrounding environment. The applicant has included a screening/planting plan for the agricultural accessory structure that provides fast-growing trees and shrubs as a visual barrier from adjacent properties and public roadways. A final landscaping plan will be required upon submittal of construction permits. A lighting plan will be required to ensure that lighting and glare impacts are minimized through the use of shields. Additional topsoil will be required on cut/fill areas for the structure and driveways. Use of darker colors and materials on structures and water tanks will be required to minimize visibility from viewing areas. Implementation of these measures would mitigate potential visual impacts to less than significant.

2. AGRICULTURAL RESOURCES <i>- Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Conflict with existing zoning or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The soil types are as follows:

Cropley clay, (0 - 2 % slope). This nearly level soil is considered very poorly drained. The soil has moderate erodibility and high shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class III without irrigation and Class II when irrigated.

Nacimient--Calodo complex, (15 - 30% slope).

Nacimient This moderately to steeply sloping soil is considered not well drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock, slow percolation. The soil is considered Class IV without irrigation and Class is not rated when irrigated.

Calodo This moderately to steeply sloping soil is considered not well drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock. The soil is considered Class IV without irrigation and Class is not rated when irrigated.

Salinas silty clay loam, (2 - 9 % slope). This gently sloping soil is considered not well drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class III without irrigation and Class I when irrigated.

Impact. The proposed project was referred to the County Department of Agriculture for review. In response, the Department determined the proposed project would result in a less than significant impact to agricultural resources because the winery will be located on the top of a rock hill and will not result in the conversion of prime agricultural soils or be incompatible with on-site and adjacent

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agricultural uses.

Mitigation/Conclusion. No mitigation measures are necessary.

3. AIR QUALITY - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Expose any sensitive receptor to substantial air pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create or subject individuals to objectionable odors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be inconsistent with the District's Clean Air Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other: <u>Fugitive Dust</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. In the past, the State Air Resources Board (ARB) designated San Luis Obispo County a non-attainment area for exceeding the State's air quality standards set for ozone and dust (small particulate matter or PM10). Recently, the State ARB determined that the county was in attainment for ozone, however, the County remains in non-attainment for PM10 levels. Based on the latest air monitoring station information (per the County's RMS annual report, 2003), the trend in air quality in the general area is improving. The Air Pollution Control District (APCD) estimates that automobiles currently generate about 40% of the pollutants responsible for ozone formation. Nitrous oxides (NOx) and reactive organic gasses (ROG) pollutants (vehicle emission components) are common contributors towards this chemical transformation into ozone. Dust, or particulate matter less than ten microns (PM10) that become airborne and which find their way into the lower atmosphere, can act as the catalyst in this chemical transformation to harmful ozone. In part, the land use controls currently in place for new development relating to ROG and NOx (i.e., application of the CEQA Air Quality Handbook) have helped reduce the formation of ozone.

Impact. Approximately 1 acre of site disturbance would occur during grading activities for the construction of the project, access roads, drainage improvements, and utility installation. These activities would result in both short-term vehicle emissions and the creation of dust during construction.

Fugitive Dust (PM10). Implementation of the proposed project would result in the generation of dust, potentially affecting adjacent residences, resulting in a nuisance.

Developmental Burning. On February 5, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County; however, in certain situations where no technically feasible alternative is available, limited burning under restrictions may be allowed. Unregulated burning would result in a potentially significant air quality impact.

Handwritten signature/initials

Naturally-Occurring Asbestos. According to the APCD, the project site is located in an area containing potentially naturally occurring asbestos, serpentine or ultramafic rock. The State Air Resources Board considers asbestos a toxic air contaminant. If asbestos is present within the soil underlying the project site, future grading and site disturbance activities would release the asbestos into the air, resulting in a potentially significant air quality impact.

Clean Air Plan Consistency. The proposed project would be located within an existing urban area, and is consistent with the Clean Air Plan.

Mitigation/Conclusion.

Fugitive Dust (PM10). To minimize nuisance dust impacts, the applicant is required to implement APCD fugitive dust mitigation measures including the use of water trucks or sprinkler systems to water down airborne dust, limited vehicle speeds (15 miles/hour), and completion of paving and building pads as soon as possible after grading (refer to Exhibit B for a full list of mitigation measures).

Naturally-Occurring Asbestos. Prior to grading or site disturbance, the applicant has agreed to retain a qualified individual to conduct a geologic investigation for naturally-occurring asbestos. If asbestos is present, the applicant would comply with *Asbestos Air Toxin Control Measures for Construction, Grading, Quarrying, and Surface Mining Operations*. These requirements include, but are not limited to implementation of a Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program.

Developmental Burning. To minimize the effects of vegetative burning on regional air quality, the applicant is required by regulation to avoid burning, or if no alternative is available, obtain a burn permit from the APCD and County Fire/California Department of Forestry, and comply with all conditions required by these agencies.

Implementation of the mitigation measures described above and listed in Exhibit B would mitigate all identified air quality impacts to levels of insignificance.

4. BIOLOGICAL RESOURCES - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species or their habitats?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The following habitats were observed on the proposed project: Grasses, riparian, vineyards

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Based on the latest California Diversity database, and other biological references, the following is a list of sensitive vegetation, wildlife and/or habitat that have been identified as potentially being within the vicinity of the proposed project:

Plants- Wells's manzanita (*Arctostaphylos wellsii*) List 1B app. 0.1 miles south of the property

Wells's manzanita (*Arctostaphylos wellsii*) is an evergreen shrub that is found on sandstone soils in closed cone coniferous forests and chaparral. The typical flowering period is December through April. The species grows from 30 m to 400 m (98 ft to 1,312 ft). Wells's manzanita is considered rare by CNPS (List 1B, RED 2-3-3).

Brewer's spineflower (*Chorizanthe breweri*) List 1B app. 0.4 miles south of the property

Brewer's spineflower (*Chorizanthe breweri*) is a member of the buckwheat family, and is endemic to San Luis Obispo County. It is generally found growing on serpentinite, rock or gravelly substrates within closed-cone coniferous forest, chaparral, cismontane woodland, or coastal scrub plant communities. It is an annual herb with a blooming period from May through August.

Pismo clarkia (*Clarkia speciosa ssp. immaculate*) FE, SR, List 1B app. 0.3 miles south of the property

Pismo clarkia is listed as a Federal endangered species, as a rare species by the State, and is included on CNPS List 1B. It has a R-E-D (Rarity-Endangerment-Distribution) code of 3-3-3. This annual herb occurs on low, sandy hills (<100 meters), from Pismo to Edna Valley, in southern San Luis Obispo County. Most Pismo clarkia populations are found in valley and foothill grasslands, and in the margins between chaparral and oak woodland communities near the coast.

Natural populations observed in the Arroyo Grande and Nipomo Mesa areas appear to flourish in open areas located on northerly or easterly facing sandy slopes, which have experienced some form of soil disturbance. A recovery plan for Pismo clarkia has been prepared (USFWS 1998) that documents distribution patterns, principal threats, conservation efforts, habitat management, and recovery strategies for the species. The principal threat to the Pismo clarkia is habitat destruction and degradation due to development.

Obispo indian paintbrush (*Castilleja densiflora ssp. obispoensis*) List 1B app. 0.5 miles southeast of the property

Obispo Indian paintbrush (*Castilleja densiflora ssp. obispoensis*) is a CNPS List 1B annual herb. This species occurs in valley and foothill grasslands and occasional intergrades with other subspecies. The elevation range for this species is 10 to 400 meters, and the blooming period is April through May.

San Luis Obispo County lupine (*Lupinus ludovicianus*) List 1B app. 0.9 miles west of the property

Wildlife- Southwestern pond turtle (*Emys (=Clemmys) marmorata pallida*), CSC, FSC on site and app. 0.3 miles east of the property

Southwestern pond turtle (*Emys (=Clemmys) marmorata pallida*) prefers slow-water aquatic habitat with available basking sites nearby. Hatchlings require shallow water habitat with relatively dense submergent vegetation for foraging. Southwestern pond turtle is a federal and California Species of Special Concern.

[Habitat for this species is located __, and southwestern pond turtles may migrate through __]

South/Central Coast Steelhead Trout (*Oncorhynchus mykiss*) FT, CSC

South/Central Coast Steelhead Trout (*Oncorhynchus mykiss*) require cool, deep pools for holding through the summer, prior to spawning in the winter. Generally they are found in shallow areas, with cobble or boulder bottoms at the tails of pools. South/Central Coast

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Steelhead Trout is considered federally threatened and a California species of Special Concern.

Habitat- Coastal Oak Woodland (Medium 34 to 75% Density) app. 0.1 mile west of the property

Pismo clarkia (*Clarkia speciosa ssp. immaculate*) FE, SR, List 1B habitat app. 0.1 mile south of the property

KEY: FE-Federally Endangered; PFE-Proposed Listing-Federally Endangered; FT-Federally Threatened; PFT-Proposed listing-Federally Threatened; FC-Federal Candidate; FSC-Federal Species of Concern (no longer used); FD - Federally delisted SE-State Endangered; SCE-State Endangered Candidate for listing; ST-State Threatened; SCT-State Threatened Candidate for listing; SR-State Rare; CSC- CA Special Concern Species; FP-CDFG Fully Protected; List 1A-CNPS Presumed extinct in CA; List 1B-CNPS Rare or Endangered in CA & elsewhere; List 2-CNPS Rare or Endangered in CA, but common elsewhere; List 3-CNPS Plants needing more info (Review List); List 4-CNPS Plants of limited distribution (Watch List).

Impact. A Biological Report for the project (Althouse & Meade, 2006) was conducted on the property to determine the presence of sensitive species of plant and wildlife. Three habitat types were identified on the site, including ruderal, vineyard, and riparian. No rare species or rare plants were identified on the site. Impacts to nesting birds due to possible removal of common trees were identified.

Mitigation/Conclusion. The attached developer's statement includes a requirement for the timing of tree removal for nesting birds. Incorporation of this measure shall reduce the potential for impact to a level of insignificance

5. CULTURAL RESOURCES - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb pre-historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is located in an area historically occupied by the Obispeno Chumash. . No historic structures are present and no paleontological resources are known to exist in the area.

Impact. The project is located in an area that could be considered culturally sensitive due to its proximity to other mapped archaeological sites. A Phase I (surface) survey was conducted (Singer, 2004). No evidence of cultural materials was noted on the property.

Mitigation/Conclusion. No significant cultural resource impacts are expected to occur, and no mitigation measures are necessary.

6. GEOLOGY AND SOILS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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6. GEOLOGY AND SOILS -

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a California Geological Survey "Alquist-Priolo Earthquake Fault Zone"?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. GEOLOGY - The topography of the project is nearly level with a prominent, centrally-located hill. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered low to high. The liquefaction potential during a ground-shaking event is considered low to high. Active faulting is known to exist on the subject property. The project is not within a known area containing serpentine or ultramafic rock or soils.

DRAINAGE – The area proposed for development is not within the 100-year Flood Hazard designation. The closest creek (Pismo Creek) from the proposed development runs through the site. As described in the Natural Resource Conservation Service Soil Survey, the soil is considered very poorly to not well drained. For areas where drainage is identified as a potential issue, the LUO (Sec 22.52.080) includes a provision to prepare a drainage plan to minimize potential drainage impacts.

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When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

SEDIMENTATION AND EROSION – The soil types and descriptions are listed in the previous Agriculture section under “Setting”. As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility and low to high shrink-swell characteristics.

When highly erosive conditions exist, a sedimentation and erosion control plan is required (LUO Sec. 22.52.090) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

Impact. As proposed, the project will result in the disturbance of approximately 1 acre. Significant grading will occur across the entire top of the hill for construction of the winery/tasting room, and for the proposed widening and paving of the access driveway. A cut slope of 2:1 is proposed at the apex of the hill to flatten the site for development, and a fill slope of 2:1 is proposed at the base of the hill for the proposed access driveway.

Mitigation/Conclusion. The attached developer’s statement requires a drainage plan and sedimentation/erosion control plan prior to issuance of construction permits. Incorporation of these measures shall reduce the potential for impact to a level of insignificance.

7. HAZARDS & HAZARDOUS MATERIALS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Interfere with an emergency response or evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to safety risk associated with airport flight pattern?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Increase fire hazard risk or expose people or structures to high fire hazard conditions?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Create any other health hazard or potential hazard?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is not located in an area of known hazardous material contamination. The project has portions within a high severity risk area for fire. The project is within the Airport Review

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combining designation, and is within Zone 6 as shown in the San Luis Obispo County Regional Airport's "Airport Land Use Plan (ALUP)."

Impact. The project does not propose the use of hazardous materials. The project does not present a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan. The project is within the Airport Review combining designation. The use proposed is allowed by the ALUP. No features are proposed that would attract waterfowl. Exterior materials are not highly reflective to aircraft. The height of the proposed structure and landscaping will not exceed what is allowed by the ALUP and Land Use Ordinance, and will not result in a safety risk for existing airport flight patterns.

Mitigation/Conclusion. The project will be required to incorporate the following measures to reduce potentially significant impacts related to hazards and hazardous material to less than significant levels:

1. Full disclosure of the ALUP zone and the probability of aircraft over-flights and noise events shall be made to the applicant.
2. An aviation easement must be granted to the County.
3. All owners, potential purchasers, occupants (whether as owners or renters), and potential occupants (whether as owner or renters) shall receive full and accurate disclosure concerning the presence and operations of the San Luis Obispo County Regional Airport and any noise, safety, or over-flight impacts associated with airport operations prior to entering any contractual obligation to purchase, lease, rent, or otherwise occupy any property or properties.

8. NOISE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels that exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate increases in the ambient noise levels for adjoining areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The site is adjacent to Highway 227 and the Southern Pacific Railroad. The topography between the highway and the site consists of nearly flat land, with the project site raised on a hill. In reviewing the County's Noise Element, the noise contour maps indicated that the northeastern half near Highway 227 of the site could be in the range of 60 to 65 dbA, and the southwestern half could be in the range of 60 to 70 dbA. The project is within the Airport Review designation and the area is subject to aircraft flyovers.

Impact. As proposed the winery facility will be exposed to noise levels between 60 and 65 Db. This type of land uses is not a noise-sensitive land use and is a transient type use (not exposed to the noise source for long periods of time). As such the noise level is acceptable and will not have an adverse impact. The project is not expected to generate significant noise that could affect nearby

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sensitive receptors (single family residences).

Mitigation/Conclusion. No significant noise impacts are anticipated, and no mitigation measures are necessary.

9. POPULATION/HOUSING - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county.

The County has recently adopted a revised Housing Element. One of the new Housing Element Programs (Program HE 1.9) indicates that the County will prepare an Inclusionary Housing Ordinance during 2006. Upon adoption of the ordinance, future commercial development may be required to pay a fee to support development of new affordable housing.

Impact. The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

Mitigation/Conclusion. No significant population and housing impacts are anticipated, and no mitigation measures are necessary.

10. PUBLIC SERVICES/UTILITIES - <i>Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable

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10. PUBLIC SERVICES/UTILITIES - <i>Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Police protection (e.g., Sheriff, CHP)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Solid Wastes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project area is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF fire station (SLO Airport Station 21) is approximately 3 miles to the north. The closest Sheriff substation is in Oceano, which is approximately 9 miles from the proposed project. The project is located in the San Luis Coastal Unified School District.

Impact. No significant project-specific impacts to utilities or public services were identified. This project, along with others in the area, will have a cumulative effect on police and fire protection, and schools. The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

Mitigation/Conclusion. Regarding cumulative effects, public facility (county) and school (State Government Code 65995 et seq.) fee programs have been adopted to address this impact, and will reduce the cumulative impacts to less than significant levels.

11. RECREATION - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase the use or demand for parks or other recreation opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Affect the access to trails, parks or other recreation opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The County Trails Plan does not show that a potential trail goes through the proposed project. The project is not proposed in a location that will affect any trail, park or other recreational resource.

Impact. The proposed project will not create a significant need for additional park or recreational resources.

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Mitigation/Conclusion. No significant recreation impacts are anticipated, and no mitigation measures are necessary.

12. TRANSPORTATION/ CIRCULATION - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase vehicle trips to local or areawide circulation system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Reduce existing "Levels of Service" on public roadway(s)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Provide for adequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate internal traffic circulation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Result in a change in air traffic patterns that may result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Future development will access onto the following public road(s): Old Price Canyon Road to Highway 227. The identified roadway is operating at acceptable levels. Referrals were sent to Public Works/Caltrans. Significant traffic-related concerns were identified, specifically the safety of the intersection geometrics and ingress/egress for the project and two other projects currently under way in this location. Within the project location there are three roadways: Highway 227, Old Price Canyon Road, and Maxwellton Street. Highway 227 carries approximately 12,000 vehicles per day and has a small bridge (with no shoulders) over Corral de Piedra Creek. Old Price Canyon Road is a County maintained road from which the project would have direct access, and is located on the east of Corral de Piedra Creek. Old Price Canyon lacks adequate site distance for most vehicles due to intersection design. Maxwellton Street is a private roadway located on the east side of the Old Edna Deli. Site distance for Maxwellton is also inadequate. Signage for both Maxwellton and Old Price Canyon are not adequate for visitors to the area. CalTrans recommended a traffic study be completed in order to analyze the warrants for left-turn channelization.

Impact. The proposed project is estimated to generate about 28 trips per day, based on the traffic

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analysis prepared for the project (Orosz Engineering, April 15, 2005). Due to inadequate signage and site distance constraints, the traffic study and the Public Works Department recommended several mitigation measures. County Public Works agreed that left-turn channel warrants were not met with the proposed project. CalTrans was sent a copy of the revised traffic study, however no comments on the conclusions were received.

Mitigation/Conclusion. Per the traffic study prepared (Orosz Engineering Group, 2005) and based on recommendations made by Public Works, the following would substantially reduce project traffic impacts to acceptable levels:

1. The intersection of Maxwellton Street and Highway 227 shall be designed and constructed to comply with CalTrans standards for a public intersection.
2. Maxwellton shall be improved to an A-1 (rural) standard within a minimum 50-foot dedicated right-of-way.
3. The applicant shall install the advance intersection-warning signage as recommended by the traffic study, subject to the approval of Caltrans.
4. The applicant shall relocate the existing group of mailboxes as recommended in the traffic study.
5. Old Price Canyon Road shall be realigned to take access from Maxwellton Street, and improved to an A-1 (rural) standard within a minimum 40-foot dedicated right-of-way. Any portion of the existing roadway not perpetuated in the new alignment shall be obliterated to the satisfaction of the Department of Public Works,

Based on the proposed project and implementation of the proposed mitigation measures relating to traffic, individual and cumulative impacts will be reduced to less than significant levels.

13. WASTEWATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. As described in the NRCS Soil Survey (see Agriculture section for soil types and descriptions), the main limitations for on-site wastewater systems relates to: slow percolation, steep slopes, shallow depth to bedrock. These limitations are summarized as follows:

Shallow Depth to Bedrock – indicates that there may not be sufficient soil depth to provide adequate soil filtering of effluent before reaching bedrock. Once effluent reaches bedrock, chances increase for the effluent to infiltrate cracks that could lead directly to groundwater sources or near wells without adequate filtering, or allow effluent to daylight where bedrock is exposed to the earth's surface. To

comply with the Central Coast Basin Plan, additional information is needed prior to issuance of a building permit, such as borings at leach line locations, to show that there will be adequate separation between leach line and bedrock.

Steep Slopes – where portions of the soil unit contain slopes steep enough to result in potential daylighting of wastewater effluent (no system is allowed on greater than 30% slopes). To comply with the Central Coast Basin Plan, additional information is needed prior to issuance of a building permit, such as slope comparison with leach line depths, to show that there is no potential of effluent “daylighting” to the ground surface.

Slow Percolation – is where fluid percolates too slowly through the soil for the natural processes to effectively break down the effluent into harmless components. The Basin Plan identifies the percolation rate should be less than 120 minutes per inch. To achieve compliance with the Central Coast Basin Plan, additional information will be needed prior to issuance of a building permit that shows the leach area can adequately percolate to achieve this threshold.

Impact. The project proposes to use an on-site system as its means to dispose of wastewater. Based on the proposed project, adequate area appears available for an on-site system at the base of the hill.

Mitigation/Conclusion. The leach lines shall be located at least 100 feet from any private well and at least 200 from any community/public well. Prior to building permit issuance, the septic system will be evaluated in greater detail to insure compliance with the Central Coast Basin Plan for any constraints listed above, and will not be approved if Basin Plan criteria cannot be met.

14. WATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any water quality standards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change the quantity or movement of available surface or ground water?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Adversely affect community water service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project proposes to use an on-site well as its water source. The Environmental Health Division has reviewed the project for water availability and has determined that there is preliminary evidence that there will be sufficient water available to serve the proposed project. Based on available information, the proposed water source is not known to have any significant availability or quality problems.

Handwritten initials/signature

The topography of the project is nearly level. The closest creek (Pismo Creek) runs through the site. As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility.

Projects involving more than one acre of disturbance are subject to preparing a Storm Water Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion. When work is done in the rainy season, the County Ordinance requires that temporary sedimentation and erosion control measures be installed during the rainy season.

Impact – Water Usage. The project proposes to use an existing on-site well as its water source. The estimated peak water usage of the winery will be 500 gallons per day. Based on available information, the proposed ground water source is not considered in a state of overdraft.

Surface Water Quality. Pismo Creek, runs through the subject property. The project includes a 1,000 sq ft addition to an existing agricultural building. The project includes approximately one acre of site disturbance for the construction of the winery and associated parking areas and access driveway. The grading will generally occur on the rock hill and will not be in the vicinity of Pismo Creek. Prior to and during construction, standard drainage and erosion control measures will be required.

Mitigation/Conclusion. Since no potentially significant water quantity or quality impacts were identified, no specific measures above standard requirements have been determined necessary. Standard drainage and erosion control measures will be required for the proposed project and will provide sufficient measures to adequately protect surface water quality.

15. LAND USE - <i>Will the project:</i>	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were

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sent to outside agencies to review for policy consistencies (e.g., CDF for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

Mitigation/Conclusion. No inconsistencies were identified and therefore no additional measures above what will already be required was determined necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental", or the California Environmental Resources Evaluation System at: "http://www.ceres.ca.gov/topic/env_law/ceqa/guidelines/" for information about the California Environmental Quality Act.

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Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an) and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	Attached
<input checked="" type="checkbox"/>	County Environmental Health Division	Attached
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	Attached
<input checked="" type="checkbox"/>	County Airport Manager	None
<input checked="" type="checkbox"/>	Airport Land Use Commission	None
<input checked="" type="checkbox"/>	Air Pollution Control District	Attached
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input type="checkbox"/>	CA Department of Fish and Game	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Forestry	In File
<input checked="" type="checkbox"/>	CA Department of Transportation	Attached
<input type="checkbox"/>	Community Service District	Not Applicable
<input checked="" type="checkbox"/>	Other <u>City of San Luis Obispo</u>	Attached
<input type="checkbox"/>	Other _____	Not Applicable

*** "No comment" or "No concerns"-type responses are usually not attached*

The following checked ("") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

- | | |
|--|---|
| <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Project File for the Subject Application <u>County documents</u> <input type="checkbox"/> Airport Land Use Plans <input checked="" type="checkbox"/> Annual Resource Summary Report <input type="checkbox"/> Building and Construction Ordinance <input type="checkbox"/> Coastal Policies <input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland) <input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Agriculture & Open Space Element <input checked="" type="checkbox"/> Energy Element <input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements) <input checked="" type="checkbox"/> Housing Element <input checked="" type="checkbox"/> Noise Element <input type="checkbox"/> Parks & Recreation Element <input checked="" type="checkbox"/> Safety Element <input checked="" type="checkbox"/> Land Use Ordinance <input type="checkbox"/> Real Property Division Ordinance <input type="checkbox"/> Trails Plan <input type="checkbox"/> Solid Waste Management Plan | <ul style="list-style-type: none"> <input checked="" type="checkbox"/> San Luis Obispo Area Plan and Update EIR <input type="checkbox"/> Circulation Study <u>Other documents</u> <input checked="" type="checkbox"/> Archaeological Resources Map <input checked="" type="checkbox"/> Area of Critical Concerns Map <input checked="" type="checkbox"/> Areas of Special Biological Importance Map <input checked="" type="checkbox"/> California Natural Species Diversity Database <input checked="" type="checkbox"/> Clean Air Plan <input checked="" type="checkbox"/> Fire Hazard Severity Map <input checked="" type="checkbox"/> Flood Hazard Maps <input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County <input checked="" type="checkbox"/> Regional Transportation Plan <input checked="" type="checkbox"/> Uniform Fire Code <input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3) <input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.) <input type="checkbox"/> Other _____ |
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In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

Althouse & Meade, Inc. June 2006. *Biological Report for MacGregor Minor Use Permit.*

C.A. Singer & Associates, Inc. June 2, 2004. *Cultural Resources Survey and Impact Assessment.*

Handwritten signature or initials in black ink, located in the bottom right corner of the page. The signature appears to be a stylized combination of letters, possibly 'C' and 'S'.

Exhibit B - Mitigation Summary Table

Aesthetics

- VS-1 **At the time of application for construction permits**, the applicant shall show on the project plans, the border of cut slopes and fills rounded off to a minimum radius of five feet. For any visible cuts from key viewing areas previously identified, sufficient topsoil shall be stockpiled and reapplied or re-keyed over these visible cut areas to provide at least 8" of topsoil for the reestablishment of vegetation. As soon as the grading work has been completed and prior to final inspection, the cut and fill slopes shall be reestablished with non-invasive, fast-growing vegetation.
- VS-2 **At the time of application for construction permits**, the applicant shall clearly delineate on the project plans the location and visual treatment of any new water tanks. All water tanks shall be located in the least visually prominent location feasible when viewed from Highway 227 and Price Canyon Road. Screening with topographic features, existing vegetation or existing structures shall be used as feasible. If the tanks cannot be fully screened with existing elements, then the tanks shall be a neutral or dark, non-contrasting color, and landscape screening shall be provided. The applicant shall provide evidence that the proposed tanks are as low profile as is possible, given the site conditions. Landscape material must be shown to do well in existing soils and conditions, be fast-growing, evergreen and drought tolerant. Shape and size of landscape material shall be in scale with proposed tank(s) and surrounding native vegetation. Plans shall show how plants will be watered and what watering schedule will be applied to ensure successful and vigorous growth.
- VS-3 **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall implement the proposed landscaping plan, as shown on the attached Exhibit F. In conjunction with the implementation of the landscaping plan, the applicant shall submit a letter, prepared by a qualified individual (e.g., arborist, landscape architect/contractor, nurseryman), to the Department of Planning and Building stating that the planting has been completed.
- VS-4 To guarantee the success of the landscaping, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new vegetation until successfully established, on an annual basis, for no less than three years. The first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the newly planted vegetation is successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report and approved by the Environmental Coordinator.
- VS-5 **Prior to occupancy or final inspection, whichever occurs first**, the applicant shall implement the proposed color board, showing exterior finish materials, colors, and height above the existing natural ground surface. No structure shall exceed 28 feet in height.
- VS-6 **At the time of application for construction permit**, a cost estimate for a planting plan, installation of landscaping, and maintenance of new landscaping for a period of three years shall be prepared by a qualified individual (e.g., landscape contractor), and shall be reviewed and approved by the County Department of Planning and Building. Prior to issuance of any construction permit, a performance bond, equal to the cost estimate, shall be posted by the applicant for a period of three years. Installation of the landscaping, as approved, shall be completed within 60 days of final inspection or occupancy, whichever occurs first.
- VS-7 Access driveway width shall be limited to 20 feet within those areas shown on the grading

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plans as described in the March 11, 2004 letter from the County Fire Department/California Department of Forestry.

- VS-8 **At the time of application for construction permits**, the applicant shall provide an exterior lighting plan. The plan shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from Highway 227 or Price Canyon Road. All lighting poles, fixtures, and hoods shall be dark colored. This plan shall be implemented prior to final inspection or occupancy, whichever occurs first. The height of free standing or security outdoor lighting fixtures shall be kept as low as is practically possible and no higher than 4 feet so that they are not visible from Highway 227 or Price Canyon Road.
- VS-9 If after five years from initial planting, the landscape screening does not provide the amount of specified screening of the building/structures, exterior colors shall be changed so no colors seen from Highway 227 and Price Canyon Road will have a color with a value or intensity greater than "6" (preferably less (darker)) as provided in the Munsell Book of Color. These colors shall blend with the surrounding natural environment. Prior to permit issuance, a bond shall be posted with the county for the costs of painting the structure(s) exterior.

Air Quality

- AQ-1 **During construction/ground disturbing activities**, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.
- a. Reduce the amount of disturbed area where possible.
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Reclaimed (nonpotable) water should be used whenever possible.
 - c. All dirt stockpile areas should be sprayed daily as needed.
 - d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible.
 - e. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - f. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top load and top of trailer) in accordance with CVC Section 23114.
 - g. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto streets, or trucks and equipment shall be washed off onsite prior to leaving the site.
 - h. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
- AQ-2 **Prior to issuance of grading permits**, the applicant shall ensure that a geologic evaluation is conducted to determine if Naturally Occurring Asbestos (NOA) is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the APCD. If NOA is found at the site, the applicant shall comply with all requirements outlined in the Asbestos Air Toxics Control Measure (ATCM).

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Tree Removal

- TR 1 **Prior to commencement of tree removal associated new construction**, to avoid conflicts with nesting raptors, construction activities shall not be allowed during to the nesting season (March to July), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to the County (Environmental Division), possibly with recommendations for variable buffer zones, as needed, around individual nests.

Geology and Soils

- GS-1 **Prior to issuance of grading or construction permits**, the applicant shall submit a drainage plan for review and approval by the Department of Planning & Building and Public Works Department.
- GS-2 **Prior to issuance of grading or construction permits**, the applicant shall submit a sedimentation and erosion control plan for review and approval by the Department of Planning & Building and Public Works Department. The plan shall include best management practices which can include, but are not limited to: avoiding grading during the wet-weather months, revegetation plans that allow slope stabilization prior to the wet season, and following existing contours to the greatest extent feasible.
- GS-3 **Prior to issuance of grading or construction permits**, the applicant shall submit a soils engineering report for review and approval by the Department of Planning & Building and Public Works Department.

Hazards/Hazardous Materials

- HM-1 **Prior to issuance of grading or construction permits**, the applicant shall grant an aviation easement to the County.
- HM-2 Full disclosure of the ALUP zone and the probability of aircraft over-flights and noise events shall be made to the applicant.
- HM-3 All owners, potential purchasers, occupants (whether as owners or renters), and potential occupants (whether as owner or renters) shall receive full and accurate disclosure concerning the presence and operations of the San Luis Obispo County Regional Airport and any noise, safety, or over-flight impacts associated with airport operations prior to entering any contractual obligation to purchase, lease, rent, or otherwise occupy any property or properties.

Traffic

- T-1 **Prior to final inspection**, the following road improvements shall be constructed under an inspection and checking agreement and encroachment permit issued by the County Public Works Department to be completed:

1. The intersection of Maxwellton Street and Highway 227 shall be designed and constructed to comply with CalTrans standards for a public intersection.
2. Maxwellton shall be improved to an A-1 (rural) standard within a minimum 50-foot dedicated right-of-way.
3. The applicant shall install the advance intersection-warning signage as recommended by the traffic study, subject to the approval of Caltrans.

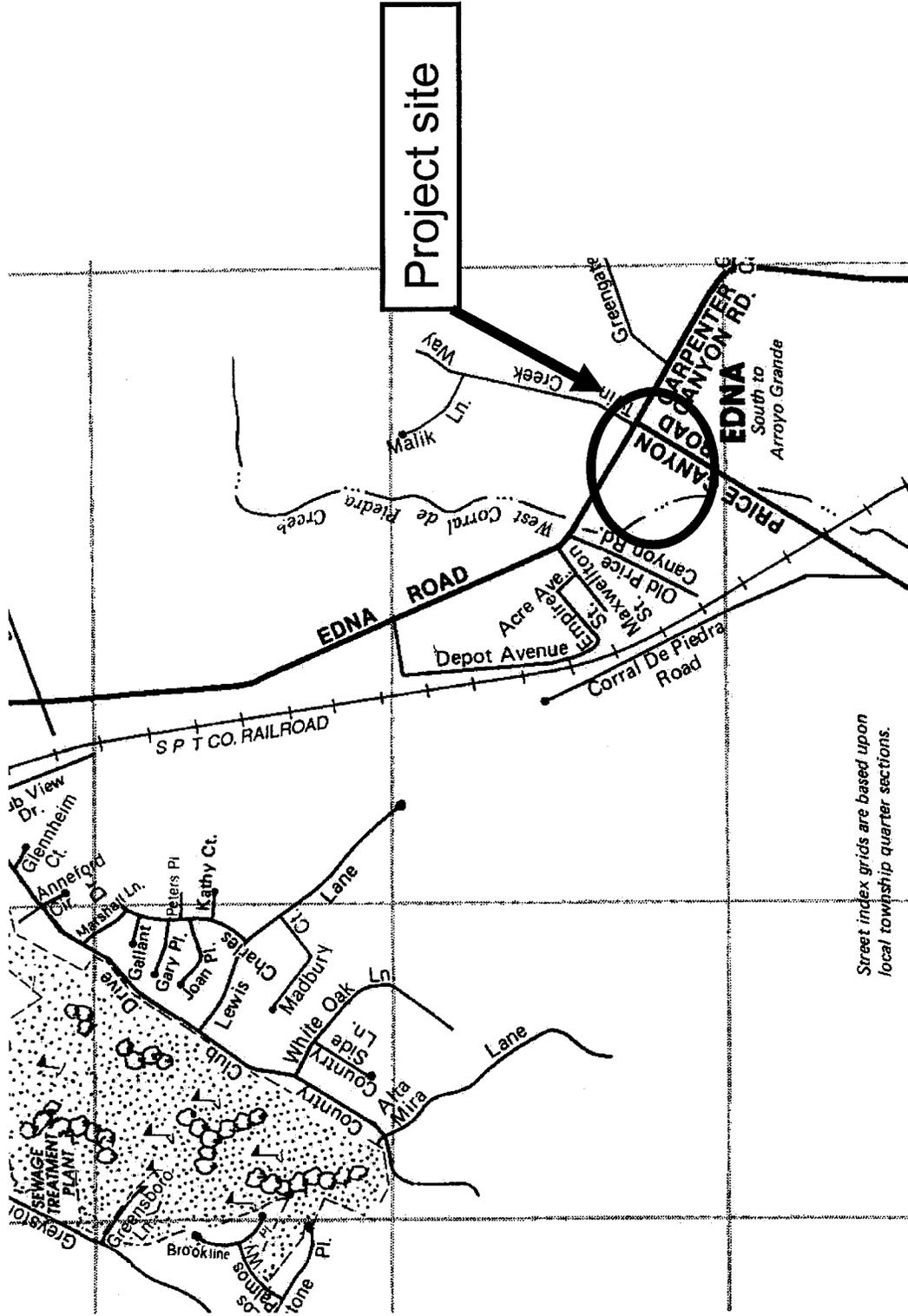
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4. The applicant shall relocate the existing group of mailboxes as recommended in the traffic study.
5. Old Price Canyon Road shall be realigned to take access from Maxwellton Street, and improved to an A-1 (rural) standard within a minimum 40-foot dedicated right-of-way. Any portion of the existing roadway not perpetuated in the new alignment shall be obliterated to the satisfaction of the Department of Public Works,

Wastewater

WW-1 **Prior to issuance of grading or construction permits**, the applicant shall provide soil borings at leach line locations showing that there is adequate separation, or if inadequate separation, plans for an engineered wastewater system that shows how the basin plan criteria can be met as required by Title 19, Building and Construction Ordinance. The leach lines shall be located at least 100 feet from any private well and at least 200 from any community/public well. **Prior to building permit issuance**, the septic system will be evaluated in greater detail to insure compliance with the Central Coast Basin Plan for any constraints listed above, and will not be approved if Basin Plan criteria cannot be met

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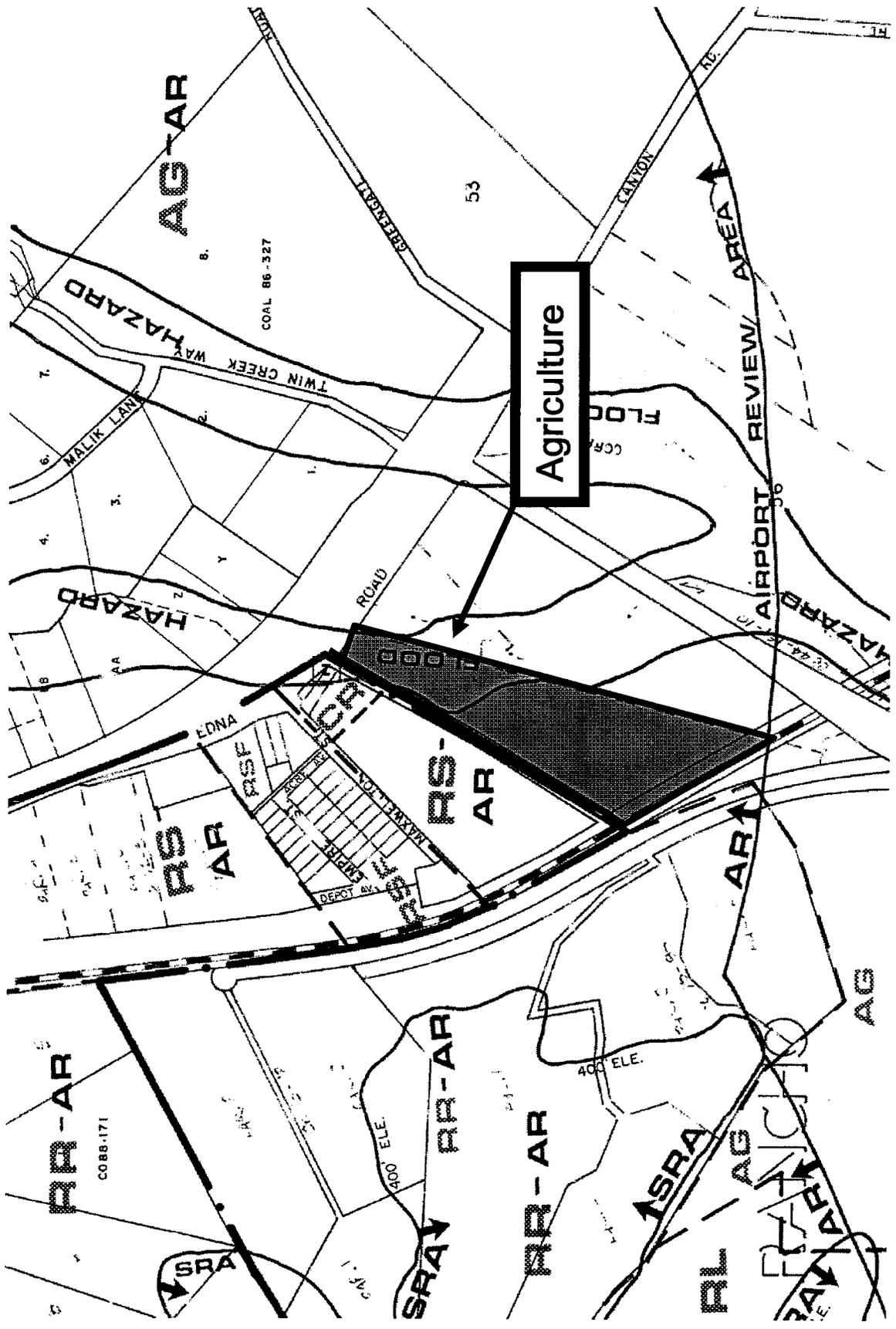


Project site

Vicinity Map

MacGregor MUP

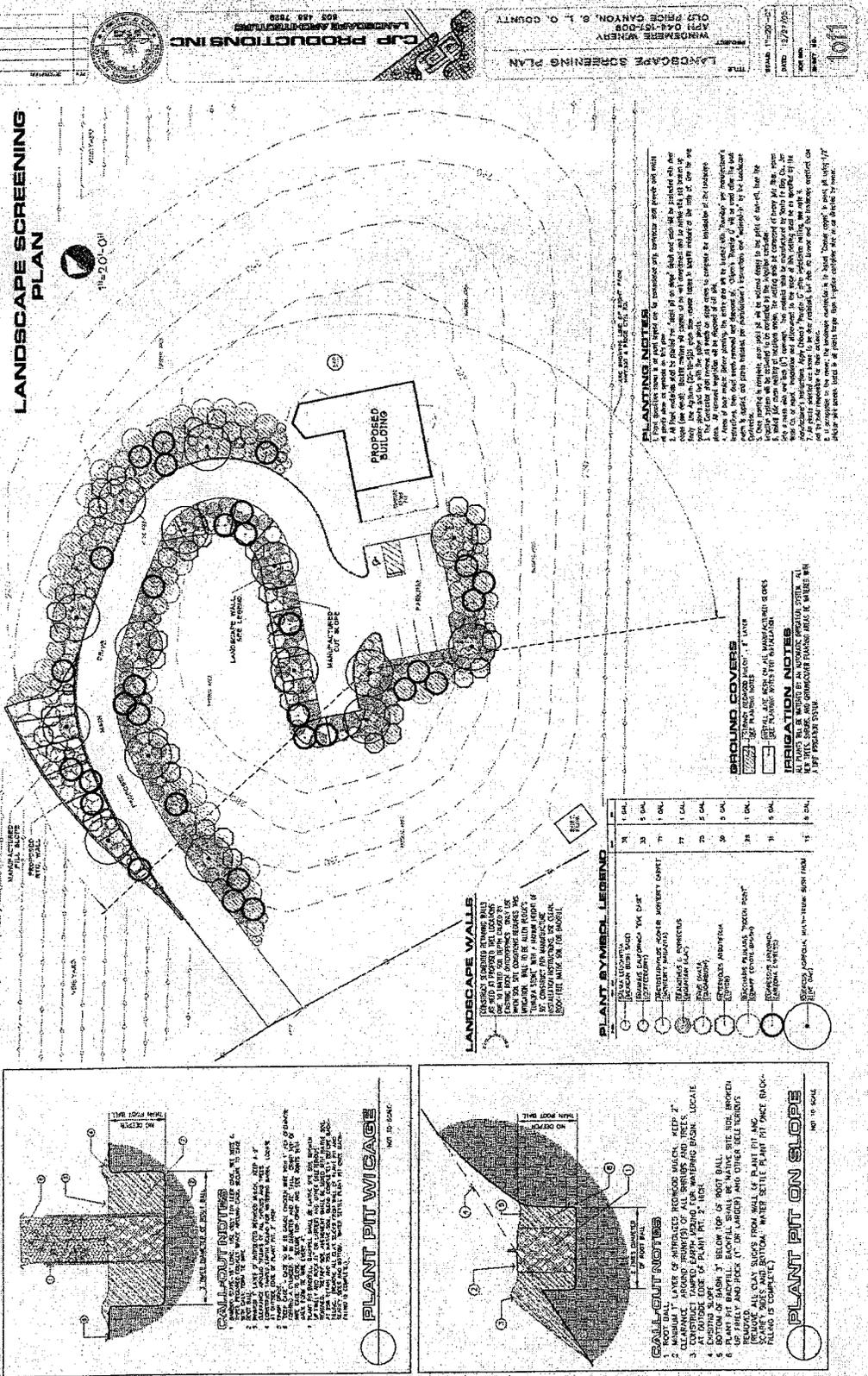
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Land Use Map

MacGregor MUP

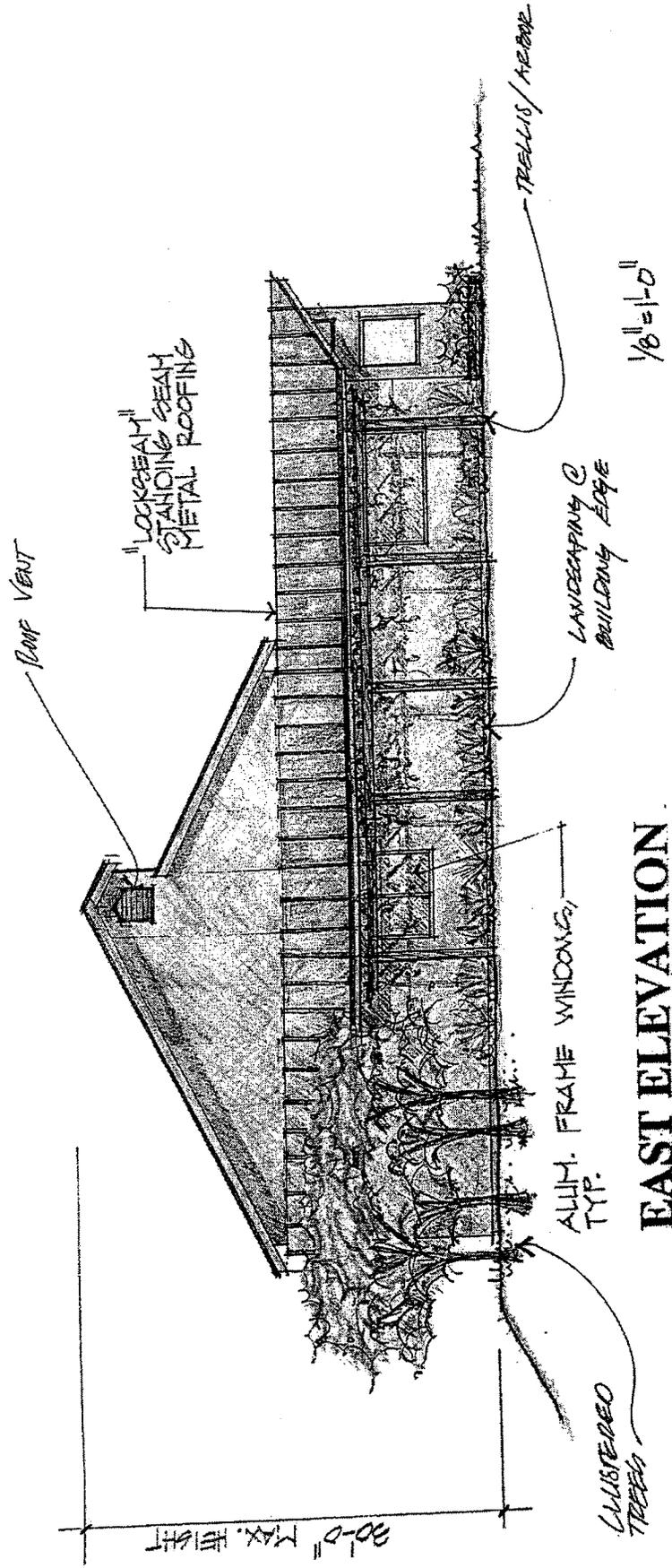
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MacGregor MUP

Landscaping Plan

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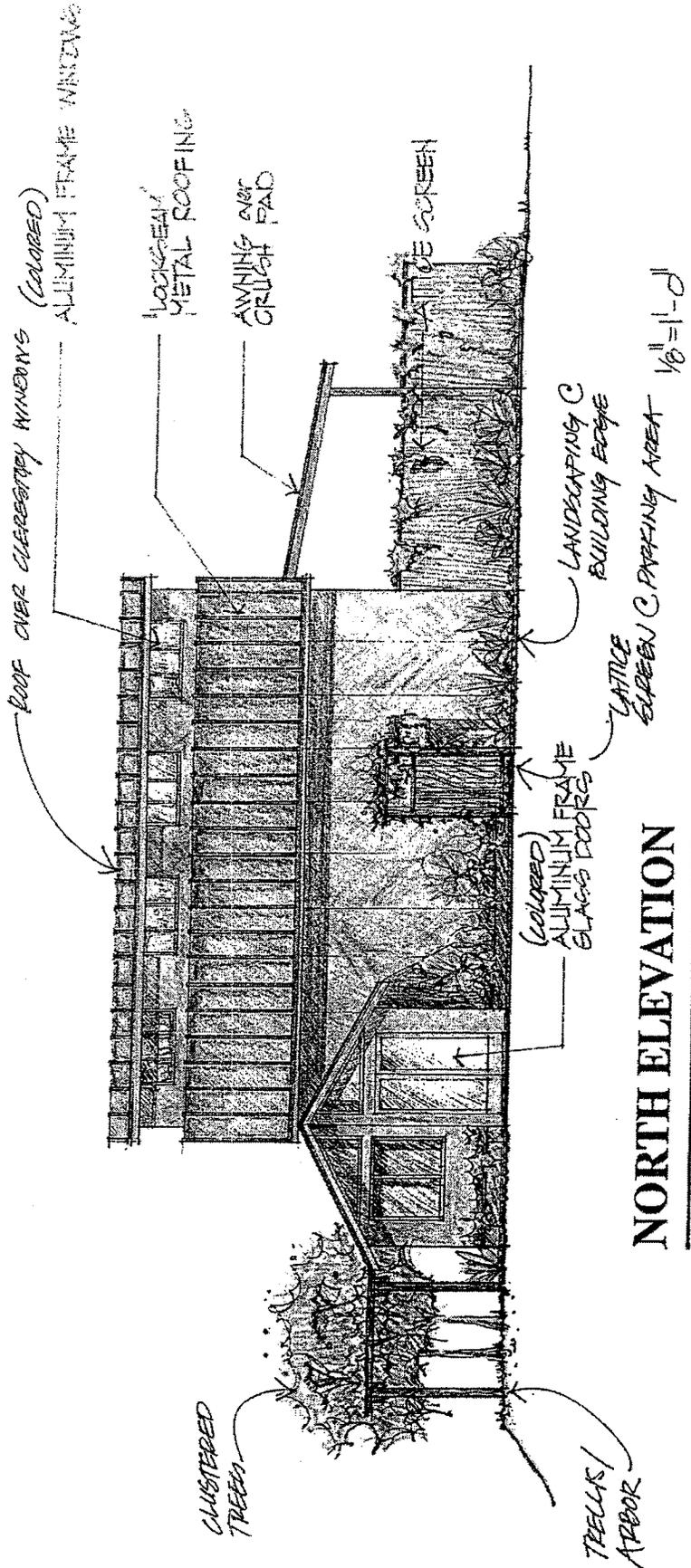


Elevations



MacGregor MUP

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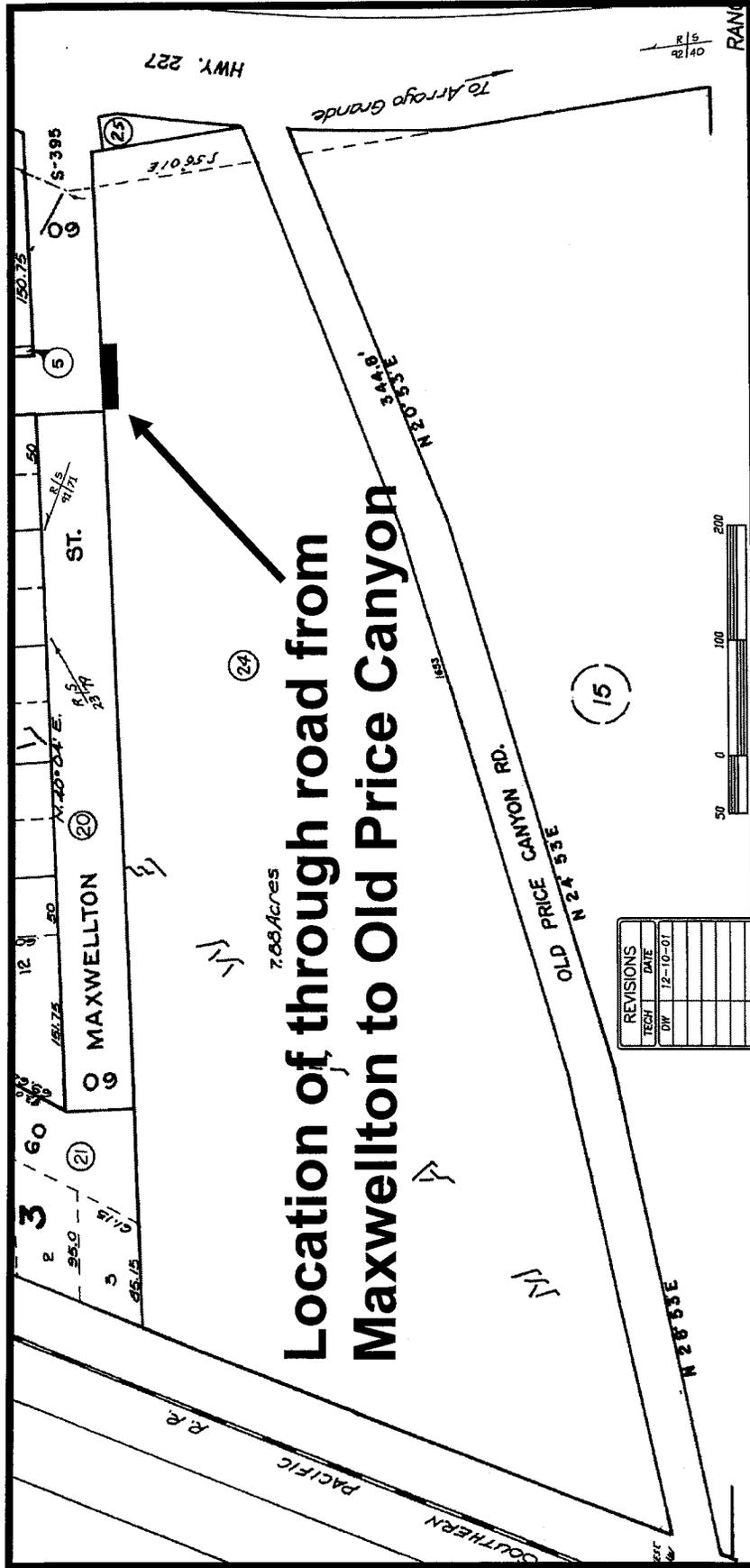


Elevations



MacGregor MUP

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EXHIBIT

Exhibit A



PROJECT

Minor Use Permit
MacGregor DRC2003-00043

5103



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

PLANNING COMMISSION

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

MEETING DATE August 11, 2005	CONTACT/PHONE Brian Pedrotti 788-2788	APPLICANT Cathy MacGregor	FILE NO. DRC2003-00043
SUBJECT Request by Cathy MacGregor for a Minor Use Permit to allow a winery building including wine processing, barrel storage, and tasting room. The project will result in the disturbance of approximately one acre of a 24.9 acre parcel. The proposed project is within the Agriculture land use category and is located at the northwest corner of the intersection of Price Canyon Road and Edna Road, south of Old Price Canyon Road at 1600 Old Price Canyon Road, approximately 2.5 miles south of the City of San Luis Obispo. The site is in the San Luis Obispo planning area.			
RECOMMENDED ACTION Deny Conditional Use Permit DRC2003-00043 based on the findings listed in Exhibit A			
ENVIRONMENTAL DETERMINATION That this project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Airport Review Area, Sensitive Resource Area	ASSESSOR PARCEL NUMBER 044-151-009	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: Scenic highway corridor standards, referral to City of SLO, production agriculture areas			
EXISTING USES: Vineyard			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Suburban / vacant <i>East:</i> Agriculture / row crop, Highway 227 <i>South:</i> Agriculture / scattered residences <i>West:</i> Agriculture / row crop, Price Canyon Road			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: County Public Works, County Environmental Health, County Parks, CDF, APCD, Cal Trans, City of SLO	
TOPOGRAPHY: Level with central prominent hill	VEGETATION: Vineyard, scattered trees
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF	ACCEPTANCE DATE: Not accepted for processing

PROJECT DESCRIPTION / SITE DESIGN:

The proposed project is a winery and tasting room, including wine processing, bottling, and barrel storage. The applicant has proposed to construct the 30-foot high winery building on the peak of an approximately 40-foot high hill centrally located on the property. Proposed development at the top of the hill includes the 406 square-foot tasting room and 2,000 square-foot processing/production area (including a small office and lab), with an additional 1,000 square-foot outdoor processing area partially covered by an awning. Access to the site atop the hill will require grading to widen an existing 10 wide road to 20 feet. Circulation and turnaround space are also provided at the top of the hill including a 3-vehicle parking lot. Additional development includes installation of a 25,000 gallon water tank and subsurface disposal system and leach field atop the hill.

BACKGROUND:

Project Inconsistent with Land Use Ordinance/Land Use Element

The project proposes a winery and tasting room, including wine processing and barrel storage. The site is situated in a semi-rural area with scenic viewsheds to Edna Valley to the east and to wooded hillsides to the west. The applicant and staff met on several occasions to discuss issues of concern regarding visual resources and impacts, traffic safety, architectural design, grading and access, landscaping/screening, and the proposed location of the septic leach field. The applicant has indicated that the proposed the winery and tasting room is needed at the top of the hill because the hill is one of the only locations on the property where vineyards are not planted. Staff suggested some building relocation options, which would lessen or eliminate the visual impact from Highway 227 and Price Canyon Road. However, no change was proposed by the applicant, and after reviewing the additional information submitted by the applicant, staff has determined that the project is not consistent with the Land Use Ordinance and Land Use Element because it will create a substantial visual impact due to its high visibility and silhouetting against the skyline.

Project Incomplete

The project has not been accepted for processing due to deficiencies in the information requested from the applicant. The following information has been requested and has not been submitted or has been inadequate to complete a full review:

- Staff has requested four (4) photo-simulations that visually depict the proposed structure on the hill to determine the visual impact, including possible silhouetting of the structure against the backdrop. The applicant failed to submit the two most critical photo-simulations that would help complete the review.

Planning Commission
Conditional Use Permit DRC2004-00043 / MacGregor

ISSUES OF CONCERN:

Land Use Ordinance - Visual Resources

The site is located near the intersection of Price Canyon Road and Highway 227, a route designated as within the Highway Corridor Design Area of the San Luis Obispo Planning Area. The LUO states that these standards are intended "to protect views of scenic backdrops and background vistas and foreground views from scenic roads and highways, and other environmental resources that provide habitat and watershed drainage." Staff is especially concerned in that the proposed building would silhouette from multiple directions. When viewed from Price Canyon Road, the proposed 30-foot high building would significantly encroach into the skyline of the Santa Lucia Mountains to the east. When viewed from Highway 227, the proposed building would encroach above the skyline of the hills along Price Canyon Road (see attached photos).

The design area includes land within 100 feet of Highway 227; therefore the subject property is within this area. The proposed building site, although outside the 100-foot design area, is located on a particularly prominent and highly unique hill surrounded by nearly level vineyards that can be seen clearly from both Highway 227 and Price Canyon Road. The project is proposed in a rural location that is inconsistent with the intent of the standards of the design area. These design standards and requirements for discretionary permits include:

Locations of development. Locate all development including accessory structures (including water tanks) and access roads in the least visible portion of the site as viewed from any of the scenic highway or railroad corridors. Use existing topographic features first and vegetation second to screen development from public view as much as possible.

Discussion: The development, including the water tank, is proposed on the most visible portion of the site from Highway 227. Very limited topographic features are available at the top of the hill for screening purposes; rather, vegetative screen has been proposed.

Grading. Minimize grading that would create cut and fill slopes visible from any of the scenic highway or railroad corridors.

Discussion: Grading of the site is not minimized due to the CDF required 20' wide access driveway that is proposed to provide access to the top of the hill, as well as the parking lot and production areas on top of the hill. Significant cut and fill slopes will result from the grading and will be highly visible. Revegetation of any resulting cut/fill slopes may be difficult due to the limited depth of soil layer on the hill.

Slope limitation. Grading for structures and roads shall occur on slopes that are less than 30 percent.

Discussion: Grading for roads is proposed on slopes approaching 45%.

Building visibility. Minimize building height and mass by using low-profile design where applicable. Minimize building visibility (including water tanks) by using colors to harmonize with surrounding natural environment.

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Planning Commission
Conditional Use Permit DRC2004-00043 / MacGregor

Discussion: The proposed development is approximately 30 feet in height and will be highly visible from public roads. A one-story structure is typically around 15 feet in height. The proposed 25,000 gallon water tank will also be highly visible. No height has been provided for the proposed water tanks.

Landscaping. Provide landscaping to screen and buffer development with native or drought-resistant plants, including extensive use of evergreen trees and large-growing shrubs.

Discussion: The applicant has proposed the use of trees and shrubs to screen the development on the hill; however, since the hill is primarily rock, the existence of an adequate amount of top soil for planting on the sides and top of the hill is questionable. The site may need substantial amounts of soil amendments, necessitating additional grading.

Cal Trans - Traffic Study

The California Department of Transportation requested that a traffic study be submitted to provide information on the effects of added traffic from the proposed project on the intersection of Highway 227 with Old Price Canyon Road (see attached letter dated May 18, 2004). Cal Trans stated that the primary issues are the safety implications for ingress/egress traffic from the site on and off Highway 227. The applicant submitted a traffic analysis (Orosz Engineering Group, 2005) that explored the traffic impacts of the three potential projects at the intersection of Price Canyon Road and Highway 227. These included the existing non-conforming Old Edna Deli (DRC2004-00082) and the proposed Clark subdivision (S000098T). The report stated that the additional trips generated by any or all of the proposed projects represent a small number, and that some level of improvement would be required to bring the area up to minimum standards, including consolidation of access at Maxwellton Street and additional signage. County Public Works reviewed the traffic study, and is in general agreement with the conclusions of the study.

County Environmental Health

The County Department of Environmental Health has expressed concerns with the placement of the on-site septic system in the proposed location. The Building and Construction Ordinance states that "no soil absorption sewage disposal area shall be located where the natural slope is 30 percent or greater." The area shown on the plans for the placement of the on-site septic system has a natural grade of approximately 35%. "Daylighting" of effluent is a health safety concern, and a suitable alternative location for the on-site system has not been identified.

Agriculture & Open Space Element

Policy AGP 30 regarding Scenic Resources in the Agriculture & Open Space Element includes the following language:

"In designated scenic corridors, new development requiring a discretionary permit and land divisions shall address the protection of scenic vistas as follows:

1. Balance the protection of the scenic resources with the protection of agricultural resources and facilities.

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Planning Commission
Conditional Use Permit DRC2004-00043 / MacGregor

2. When selecting locations for structures, access roads, or grading, the preferred locations will minimize visibility from the scenic corridor and be compatible with agricultural operations.
3. Use natural landforms and vegetation to screen development whenever possible.
4. In prominent locations, encourage structures that blend with the natural landscape or are traditional for agriculture.”

This section goes on to state that although the “designation of a scenic corridor....and its subsequent management shall not interfere with agricultural uses on private lands”, the policy also states, “the CEQA review of the proposed project should seek to balance the protection of the scenic qualities along the corridor with the needs of the agricultural resources and facilities” (pg. 2-59). The Agricultural Commissioner’s Office has included comments supporting concerns with visual, grading, and septic system issues, and that relocation of such facilities to more productive soils is allowed when there are physical site constraints (see attached letter).

AGENCY REVIEW:

Agricultural Commissioner - Supports identifying appropriate alternate locations for the proposed winery and tasting room.

Public Works - Recommends intersection improvements along Highway 227.

Environmental Health - Septic field cannot be located on 30% or greater slopes. Concerns with daylighting of effluent. See attached comments.

CDF - See attached fire safety plan.

APCD - The project is not likely to exceed District emission threshold levels of significance, however, dust control and energy efficient measures, and developmental burning/demolition restrictions outlined in the attached March 11, 2004, should be incorporated.

City of San Luis Obispo - Concerns with hillside design standards, including grading, visual impacts, architectural design.

Cal Trans – Disagrees with conclusions of OEG traffic study – left-turn channelization characteristic of State Route 227 Corridor. See discussion above and attached letter.

LEGAL LOT STATUS:

The existing lot was legally created by a voluntary merger on March 25, 2005.

Staff report prepared by Brian Pedrotti and reviewed by Kami Griffin

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FINDINGS - EXHIBIT A
Minor Use Permit DRC2003-00043

Minor Use Permit

- A. The proposed project is not consistent with the San Luis Obispo County General Plan because:
1. The project does not meet the intent of the highway corridor design standards in the San Luis Obispo Planning Area for the Sensitive Resource Area combining designation, which include the following:
 - a. Locate all development including water tanks and access roads in the least visible portion of the site as viewed from any of the scenic highway corridors, consistent with the protection of other resources. Use existing topographic features first and vegetation second to screen development from public view as much as possible.
 - b. Minimize grading that would create cut and fill slopes visible from any of the scenic highway corridors.
 - c. Grading for structures and roads should occur on slopes that are less than 30 percent.
 - d. Minimize building height and mass by using low-profile design where applicable. Minimize building visibility (including water tanks) by using colors to harmonize with surrounding natural environment.
 - e. Provide landscaping to screen and buffer development with native or drought-resistant plants, including extensive use of evergreen trees and large-growing shrubs.
 2. The project does not comply with the Ag and Open Space Policy AGP 30 Scenic Resources as stated below:
 - a. In designated scenic corridors, new development requiring a discretionary permit and land divisions shall address the protection of scenic vistas as follows:
 - i. Balance the protection of the scenic resources with the protection of agricultural resources and facilities.
 - ii. When selecting locations for structures, access roads, or grading, the preferred locations will minimize visibility from the scenic corridor and be compatible with agricultural operations.
 - iii. Use natural landforms and vegetation to screen development whenever possible.
 - iv. In prominent locations, encourage structures that blend with the natural landscape or are traditional for agriculture.”
- B. The proposed project does not satisfy all applicable provisions of Title 22 of the County Code because all necessary information has not been submitted per Sec. 22.62.050.

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- C. The establishment and subsequent operation or conduct of the use will, because of the circumstances 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 because:
 - 1. The proposed location of the on-site septic system is located on unacceptably steep slopes and "daylighting" of effluent may occur.

- D. The proposed project or use will be inconsistent with the visual character of the immediate neighborhood and contrary to its orderly development because the existing area surrounding this site is bordered by vineyards, row crops, grazing land, and other scenic open space, scenic values with which the proposed project could conflict based on the standards in the Land Use Ordinance and Agriculture/Open Space Element.

Environmental Determination

- F. That this project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.

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SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS

Noel King, Director



County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: pwd@co.slo.ca.us

April 26, 2005

MEMORANDUM

TO: Kerry Brown, Elizabeth Kavanaugh, Brian Pedrotti
Department of Planning & Building

FROM: Richard Marshall, Development Services Engineer *RM*

SUBJECT: Traffic Analysis for "Old Edna" Area

Thank you for the opportunity to review the "Maxwellton Street/Old Price Canyon Road Access Analysis - Highway 227" prepared by Steve Orosz of Orosz Engineering Group. I concur with the report's methods and conclusions. I have the following comments and recommendations for the two land use and one subdivision projects which are currently pending for the area:

1. **Deli hours.** The evaluation and conclusions of the trip generation for the deli and winery projects is specifically dependent upon the hours of operation that were assumed in the report. As long as these hours are in effect, the conclusions of the report are valid. Therefore, these specific hours should be memorialized in the conditions of approval. For the deli, the hours assumed are 8:00 a.m. to 5:00 p.m. Similarly, the use of the "meeting room" in the deli structure is represented as having no events which begin or end during the peak hours of the adjoining roadway system. I recommend that this also be carried forward as a condition of approval. For this purpose, a condition could be stated, "no events shall be held which begin or end during the hours of 7:00-9:00 a.m. and 4:00-6:00 p.m. daily." In addition, some condition which limits the types of activities and/or the numbers of people using the "meeting room" may be appropriate since this could generate a significant number of additional trips to the site.
2. **Winery hours.** The hours of operation assumed for the winery are 10:00 a.m. to 4:00 p.m., which should also be carried forward into the conditions. The analysis assumed no Special Events for the winery; this also should be a function of the Approved Uses for the project.

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3. **Left-turn channelization.** Based on the technical evaluation provided in the report, widening of Highway 227 to provide a left-turn pocket for either Maxwellton Street and/or Old Price Canyon Road is not warranted as a result of the proposed projects, given the limitation on hours of operation discussed above. I have reviewed Caltrans' correspondence on this point. Although channelization is provided farther north on 227, it is typically used at intersections which have substantially higher traffic volumes and turning movements, as well as within the urban area, where there are a much higher concentration of commercial driveway locations. Other uses in closer proximity to the proposed projects, such as Claiborne & Churchill winery, are operating satisfactorily without provision of left-turn channelization.
4. **Access configuration.** In order to provide proper safety for residents and/or customers of the proposed developments, it would be necessary to improve one or both of the intersections with Highway 227 to current Caltrans standards for a public road intersection. The traffic study recommended using the standards for a private road intersection, but to comply with Title 21 requirements, this will need to be improved as a public road.

If any of the three projects, individually or collectively, were to propose to take primary access by perpetuating the existing connection of Old Price Canyon Road to Highway 227, the improvement of that intersection would not be feasible due to the proximity of the highway bridge and the creek, so it is not recommended as the most-feasible alternative.

I concur with the report's recommendation that access for all three projects be consolidated at the Maxwellton Street intersection, which has the better location of the two existing intersections. To accomplish this, Old Price Canyon Road would be realigned to take access from Maxwellton Street. I recommend that all three projects be conditioned to take access from the intersection of Highway 227 and Maxwellton Street, and close the existing highway connection at Old Price Canyon Road.

The conditions for each of the three projects should include the following:

- a. The intersection of Maxwellton Street and Highway 227 shall be designed and constructed to comply with Caltrans standards for a public road intersection.
- b. Maxwellton Street shall be improved to an A-1 (rural) standard [fronting the property (for the deli project and the subdivision)] [from the property to Highway 227 (for the winery project)] within a minimum 50-foot dedicated right-of-way.
- c. The applicant shall install the advance intersection-warning signage as recommended by the traffic study, subject to the approval of Caltrans.

5-18

- d. The applicant shall relocate the existing group of mailboxes as recommended in the traffic study.
- e. Old Price Canyon Road shall be realigned to take access from Maxwellton Street, and improved to an A-1 (rural) standard within a minimum 50-foot dedicated right-of-way. Any portion of the existing roadway not perpetuated in the new alignment shall be obliterated to the satisfaction of the Department of Public Works.
- f. The area between Highway 227 and the main building of the deli project should have few, if any, on-street parking spaces, to avoid turning movement conflicts near the road intersection. Therefore, the main parking area (for the deli project) should be located westerly of the building, if feasible. Some limited number of spaces, if necessary for disabled parking requirements (for the deli project), may be appropriate in the area between the building and the highway.

I hope this information will assist you in processing these projects. Please call me at 781-5280 if you have questions or need additional information.

c: Chuck Stevenson, Supervising Planner
Bill Robeson, Planning & Building
Steve Orosz, Orosz Engineering Group, 1627 Calzada Avenue, Santa Ynez, CA
93460
James Kilmer, Caltrans District 5

File: Tract 2405

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DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3111
FAX (805) 549-3329
TDD (805) 549-3259
<http://www.dot.gov/dist05>

5-19

*Flex your power!
Be energy efficient!*

February 3, 2005

SLO - 227 PM 7.12
MacGregor
(Windemere Winery)
DRC 2003-00043 &
OEG Traffic Study for
Old Edna Residential
Project Access Analysis -
Highway 227

Mr. Brian Pedrotti, Planner
Department of Planning & Building
San Luis Obispo County Government Center
San Luis Obispo, CA. 93408

Dear Mr. Pedrotti:

The California Department of Transportation (Department) has reviewed the Orosz Engineering (OEG) Traffic Study for the above referenced project, as a result the following comments were generated.

1. Due to safety and operational considerations, it has been the Department's experience that a development (in total) of this scope requires left turn channelization.
2. Left-turn channelization and two-way-left-turn-lanes (TWLTL) are currently characteristics of the State Route 227 Corridor.
3. The Department disagrees with the conclusions of the OEG traffic study regarding trip generation of the combined projects. The Old Edna Deli alone features 50 parking spaces however no peak hour trips (PHTs) are shown turning into either Maxwellton Street or Old Price Canyon Road at that time, as assigned to that business. Similarly, no mid-week PHTs are shown traveling to the MacGregor Winery. Secondly, the business hours of either the Winery or the Deli/Gallery cannot be enforced and lastly, count station data at this location indicates the PM peak hour falls within the 3:30 PM to 5:30 PM time frame.

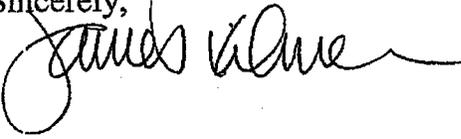
The Department offers the above for your consideration in helping the Lead Agency define the extent of the traffic mitigation on State Route 227 for these projects.

Mr. Pedrotti
February 3, 2005
Page 2

5-20

Thank you for the opportunity to comment on the OEG Traffic Study. If you have any questions, please contact me at 549-3683

Sincerely,



James Kilmer
District 5
Development Review/CEQA Coordination

c: D. Murray, R. Barnes, N. Sams, P. McClintic

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DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3111
FAX (805) 549-3329
TDD (805) 549-3259
<http://www.dot.gov/dist05>

5-21



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May 18, 2004

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MAY 20 2004

Planning & Bldg

SLO - 227 PM R7.93
MacGregor Winery, Old
Edna Deli Conversion &
Residential Development
on Old Price Canyon
Road - Combined Traffic
Study

Mr. Brian Pedrotti
County of San Luis Obispo
Dept. of Planning & Building
County Government Center
San Luis Obispo, CA. 93408

Dear Mr. Pedrotti:

I would like to take this occasion to thank both you and Mr. Chuck Stevenson for meeting with members of Development Review & Traffic Safety Staff out at the site on Route 227 near the Old Edna Deli last Friday. From our discussions and survey of the traffic flow patterns at that location, it appears that both County and Caltrans Staff have a shared understanding of the challenges that residents and customers of the proposed private development projects will encounter as they turn into the site.

To help us better understand what the effects of the added traffic from the proposed projects will have at the location, Caltrans Staff requests that a new traffic study be completed. The new traffic study will need to take into account the added traffic from the three anticipated new projects; the residential development, the Old Edna Deli conversion to a full restaurant, and the MacGregor Winery.

An essential component of the traffic study will need to feature an investigation of the geometrics and the safety implications of the ingress/egress of traffic from these projects onto and off of Route 227. To refresh both of our memories, the group discussed the possibility of consolidating access at this location into one connection to Route 227 at Maxwellian Street. The elimination of the dirt road connection of Old Price Canyon Road and the construction of left-turn channelization on Route 227 at Maxwellian Street, would have the effect we conjectured, of better accommodating north bound 227 traffic, that will be turning into the project sites. The traffic study will need to tell us if the consolidation will in fact solve the perceived problem, or, if it won't.

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Mr. Pedrotti
May 18, 2004
Page 2

5-22

The new traffic study should utilize the "stopping site distance" study that was performed by Mr. Bill Heath for the previous Old Edna Deli application. A speed zone survey should also be completed as well in order to document the 85th percentile (ambient) traffic speeds at this location. This will help determine the length of the transition from deceleration taper to the storage area of the left-turn channelization. The traffic study should also include the standard, existing, existing + project traffic conditions (AM & PM peak hour scenarios as well as anticipated special events). This will give us the needed size of storage area for the channelization. The applicants will need to consult with a Licensed Traffic Engineer to do the study

As a result of the Route 227 access consolidation at Maxwellian Street the traffic study should include a discussion of alternatives for how the occupants of the residential development will access Route 227 in light of Old Price Canyon Road being closed.

Again, thank you for conferring with the Department on this issue. If you have any questions, please contact me at 549-3683.

Sincerely,



James Kilmer
District 5
Development Review

c: File, D. Murray, R. Barnes, N. Sams



December 27, 2004

Brian Pedrotti, Planner
Department of Planning & Building
San Luis Obispo County Government Center
San Luis Obispo, CA 93408

RE: MacGregor (Windemere Winery) DRC 2003-00043

Dear Brian:

I am writing in response to the August 2004 staff report for the MacGregor Winery. At this time we would like to reschedule the public hearing and we urge County staff to reconsider your recommendation of denial based on the following points.

1. The project is consistent with the LOU and LUE- The project is proposed on a parcel that is zoned "Agriculture"
 - a. LOU- Title 22 of the Land Use Ordinance clearly allows wineries with tasting rooms.

This project meets all of the standard set forth in the LOU and the applicant has not requested any waivers or variances.

- b. AGP 6- Allow visitor serving and incidental retail use and facilities in agricultural areas that are beneficial to the agriculture industry and are clearly secondary and incidental to the primary agriculture use. Visitor serving and incidental retail use must be located off productive agriculture lands.

Retail sales are a critical part of the business plan of this existing small winery operation. The tasting room makes up less than 400 of the total of 2,400 square feet of this facility and is clearly secondary and incidental to the ag processing use of the site. In addition, the proposed winery is located on the only area of this parcel that is not planted with mature vineyards. The building site is not productive agriculture land.

- c. AGP8 Allows the development of compatible intensive agriculture facilities that support local agriculture production, processing packing etc. These facilities should be located off productive agriculture lands and where land use compatibility, circulation and infrastructure capacity exist or can be developed.

The proposed facility supports the local wine and grape industries in addition to providing processing for fruit grown on site. The building site cannot support crop production. Adequate circulation and infrastructure for the winery can be easily developed per our project plan submission.

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2. Project Incomplete

- a. A traffic study has been completed and is attached. The applicant will agree to a fair share contribution to improvements to intersections at Highway 227.
- b. In addition to the two visual representations of the winery building, the applicant has prepared a video from a moving car traveling east and westbound on Price Canyon Road. The project site is visible for two seconds while traveling westbound and four seconds while traveling eastbound. The small size, design modifications, and landscape screening proposed by the applicant adequately mitigate the visual impact of this project.
- c. A Voluntary Merger Application is currently pending approval #M04-0568.

In summary, the applicant and project architect have worked diligently to propose a winery development that is consistent with county policies and the local area. We believe that impacts associated with this project can be mitigated and that this is an appropriate use of this site. We urge you to recommend approval of the project to the Planning Commission.

Sincerely,



Rachel Dumas, Agent

C3
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COUNTY OF SAN LUIS OBISPO

5-23

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY
AGRICULTURAL COMMISSIONER/SEALER

(805) 781-5910
FAX (805) 781-1035
AgCommSLO@co.slo.ca.us

DATE: July 14, 2004
TO: Brian Pedrotti, Planner III
FROM: Lynda L. Auchinachie, Agriculture Department *YH*
SUBJECT: MacGregor Minor Use Permit, DRC2003-00043 (0843)

Per our recent conversation, the proposed location for the winery and tasting room cannot be supported by the Planning Department due to visual and grading impacts as well as potential wastewater daylighting concerns. It appears the only feasible location for such a facility would be in an area that currently supports vineyards.

Agriculture and Open Space Element policies allow for relocating such facilities on the more productive soils when a project site has constraints as identified above. The Agriculture Department is available to work with your department to assist the applicant in identifying an appropriate location for the proposed winery and tasting room. If you would like to schedule a meeting, please contact me at 781-5914.

YH

5-24



Brian Pedrotti
07/21/2004 03:49 PM

To: Laurie Salo/PH/COSLO
cc: Brian Pedrotti/Planning/COSLO@Wings
Subject: Re: MacGregor MUP (DRC2003-00043)

Laurie Salo



Laurie Salo
07/21/2004 10:51 AM

To: Brian Pedrotti/Planning/COSLO@Wings
cc:
Subject: Re: MacGregor MUP (DRC2003-00043)

Brian-

After review of the referral for MUP DRC 2003-00043, Environmental Health Services is concerned about placement of the on-site septic system. The project states that the physical site characteristics are steep slopes (50%). The Building and Construction Ordinance states that "no soil absorption sewage disposal area shall be located where the natural slope is 30 percent or greater." The area shown on the exhibits for placement of the on-site system appear to be approximately 35 % slope and therefore do not meet the ordinance. Unless an area can be located with less than a 30% slope, Environmental Health could not support this proposal.

LAURIE A. SALO, R.E.H.S. III
Senior Environmental Health Specialist
Land Use Section
Phone: (805) 781-5544
Fax: (805) 781-4211
Email: lsalo@co.slo.ca.us
Brian Pedrotti

CP
BA



5-25

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

CORE 11-04

VICTOR HOLANDA, AICP DIRECTOR

PP

THIS IS A NEW PROJECT REFERRAL

DATE: Feb. 27, 2004
TO: San Luis Obispo - City
FROM: So. County Team

DEC 2003-00043/MACGREGOR
Project Name and Number

Development Review Section (Phone: 781-788-2009)

PROJECT DESCRIPTION: WINEY W/ TASTING ROOM
Brian Pedrotti
788-2788

Return this letter with your comments attached no later than: March 12, 2004

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?
YES (Please go on to Part II)
NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?
NO (Please go on to Part III)
YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

PROJECT DOES NOT COMPLY W/ HILLSIDE DESIGN STANDARDS, GRADING, VISUAL IMPACTS, ARCHITECTURAL DESIGN ARE CITY CONCERNS.

6/21/04 Date
Name
781-7150 Phone

RECEIVED



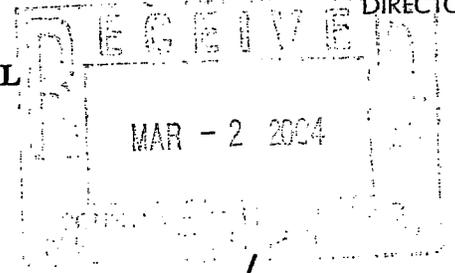
5-26

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

BP

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL



DATE:

Feb. 27, 2004

FROM

Public Works (Energy)



FROM

So. County Team
(Please direct response to the above)

PRC 2003-00043/MACGREGOR
Project Name and Number

Development Review Section (Phone: 781-788-2009)

PROJECT DESCRIPTION: WINEY W/ TASTING ROOM

Return this letter with your comments attached no later than: March 12, 2004

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?
 YES (Please go on to Part II)
 NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?
 NO (Please go on to Part III)
 YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

RECOMMEND APPROVAL - INTERSECTION OF OLD PERS CYN RD WITH HWY 227
NEEDS TO BE IMPROVED. THE INTERSECTION TO BE DESIGNED AND CONSTRUCTED
IN ACCORDANCE WITH CAL HWY DESIGN MANUAL AS MUCH AS POSSIBLE AND OBTAIN A
CALTRANS ENVIRONMENTAL PERMIT. WRONG BLOCK HILITED ON LU MAP (APN MAP CORRECT).
SEE TR 2405

23 Mar 2004 Date GOODWIN Name 5252 Phone



CDF/San Luis Obispo County
Fire Department

635 N. Santa Rosa • San Luis Obispo • California, 93405

5-27

RECEIVED

MAR 17 2004

Planning & Bldg

March 11, 2004

County of San Luis Obispo
Department of Planning/Building
County Government Center
San Luis Obispo, CA 93408

BP

Dear South County Team,

COMMERCIAL MINOR USE PLAN

Name: Mac Gregor Project Number: DRC 2003-00043

The Department has reviewed the minor use plans submitted for the proposed winery and tasting room project located at 1600 Old Price Cyn. Rd., San Luis Obispo. The property is located within the high fire hazard severity area, and will require a minimum 5 minute response time from the nearest County Fire Station.

The owner of the project shall meet the minimum fire and life safety requirements of the California Fire Code (1998 edition) with amendments. This fire safety plan shall remain on the project site until final inspection. The following standards are required:

FIRE SAFETY DURING CONSTRUCTION

- Commercial and industrial type projects shall have installed, prior to the start of construction, commercial water system and fire lanes.

FIRE ALARM SYSTEM

- The proposed project is required to install a total coverage heat/smoke alarm system.
- The system shall comply with NFPA Pamphlet 72.
- The system shall transmit to a central 24-hour monitoring point.
- Plans shall be submitted to the County Fire Department.

PORTABLE FIRE EXTINGUISHER(S)

- Portable fire extinguishers shall be installed and comply with the Uniform Fire Code (2000) Section 1002.1, Standard 10-1.
- The contractor shall be licensed by the State Fire Marshal.
- The minimum requirements will be determined during the building permit/fire safety plan process.

ROOF ACCESS

- The project shall provide vertical access to the roof from two points.
- Access can be provided by the use of landscaping or a fixed laddering system.
- Plans shall be submitted for approval to the County Fire Department.
- Presently the County Fire Department can provide a maximum 16-feet of vertical reach.

WATER STORAGE TANK

- A minimum of 5,000 gallons of water in storage shall be required.
- Emergency water tanks shall have a(n):
 - automatic fill,
 - sight gage,
 - venting system,
 - The minimum water main size shall not be less than six (6) inches.
 - Pressures may not be less than 20 psi, nor more than 150 psi (Appendix IIIA).

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WATER SUPPLY CONNECTION

- One fire hydrant shall be required.
- Fire hydrants are to be located with a maximum normal spacing of 300 feet as measured along vehicular travel ways.
- The County Fire Department will assist in hydrant placement and approve distribution system when plans are submitted.
- Fire hydrants shall have two, 2½-inch outlets with National Standard Fire thread, and one 4 inch suction outlet with National Standard Fire thread.
- The Chief shall approve other uses not identified.
- Signing: Each hydrant shall be identified by blue reflective dot.
 - (a) On a non-skid surface, center of roadway, to the fire hydrant side.

ACCESS

- Access road width shall be 18 feet.
- The project shall provide a minimum 20-foot fire lanes for emergency vehicle access.
- All road and driveway surfaces shall be all weather.
- All surfaces shall be constructed to meet a load capacity of 20 tons.

ADDRESSING

- Legible address numbers shall be placed on all structures.
- Legible address numbers shall be located at the driveway entrance.

FINAL INSPECTION

The project will require final inspection. **Please allow five (5) working days for final inspection.** When the safety requirements have been completed, **call Fire Prevention at (805) 543-4244, extension 2220**, to arrange for a final inspection. Currently South San Luis Obispo County inspections occur on Tuesdays and North County inspections occur on Thursdays.

Further information may be obtained from our website located at www.cdfslo.org ~ Planning and Engineering section. If we can provide additional information or assistance, please call (805) 543-4244.

Sincerely,

Gilbert R. Portillo
Fire Inspector

C:Ms. Cathy Mac Gregor, owner
Ms. Rachel Dumas, agent



AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN LUIS OBISPO

RECEIVED

MAR 11 2004

Planning & Bldg

bp 5-29

DATE: March 11, 2004
TO: South County Team
San Luis Obispo County Department of Planning and Building
FROM: Melissa Guise *MAC*
San Luis Obispo County Air Pollution Control District
SUBJECT: Windemere Winery and Tasting Room, DRC2003-00043

Thank you for including the APCD in the environmental review process. We have completed our review of the proposed project located at 1600 Old Price Canyon Road, San Luis Obispo. We have the following comments on the proposal.

Construction Phase Emissions

The project as described in the referral will not likely exceed the District's CEQA significance threshold for construction phase emissions. However, construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust complaints could result in a violation of the District's 402 "Nuisance" Rule. District staff recommends the following measures be incorporated into the project to control dust:

Dust Control

- Reduce the amount of the disturbed area where possible;
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- All dirt stock-pile areas should be sprayed daily as needed;
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible;
- Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

Demolition Activities

Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP). These requirements include but are not limited to: 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact Tim Fuhs of the Enforcement Division at 781-5912 for further information.

Naturally Occurring Asbestos

Naturally Occurring Asbestos (NOA) has been identified by the state Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if naturally occurring asbestos is present within the area that will be disturbed. If naturally occurring asbestos is found at the site the

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applicant must comply with all requirements outlined in the Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include but are not limited to 1) an Asbestos Dust Mitigation Plan which must be approved by the District before construction begins, and 2) an Asbestos Health and Safety Program will also be required for some projects. Please refer to the District web page at <http://www.slocleanair.org/business/asbestos.asp> for more information regarding these requirements. If you have any questions regarding these requirements, please contact Karen Brooks of our Enforcement Division at 781-5912.

Developmental Burning

Effective February 25, 2000, the District prohibited developmental burning of vegetative material within San Luis Obispo County. Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, District approval, and issuance of a burn permit by the District and the local fire department authority. The applicant is required to furnish the District with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact Karen Brooks of our Enforcement Division at 781-5912.

Operational Phase Emissions

District staff has performed screening level calculations for the potential operational emissions from this project. These calculations indicate that the project will not likely exceed our CEQA significance thresholds for operation phase emissions. However as indicated above, fugitive dust could be a nuisance to local residents and businesses in close proximity to the proposed project. Dust complaints could result in a violation of the District's 402 "Nuisance" Rule. To reduce fugitive dust disturbed by vehicles traveling to the winery and wine tasting facility:

- Limit vehicle speeds to no more than 15 mph on any unpaved surface at the site.
- Pave roadways used as access routes to the tasting room.

Permits

Based on the information provided, we are unsure of the types of equipment that may be present at the proposed facility. The following is a list of equipment, which might require permits from the District. It is possible that additional project components not identified at this time will require some form of District review or permit so the following list should not be viewed as exclusive.

- Portable standby emergency generators.
- Boilers.
- Certain types of wastewater treatment plant may require permits.
- Portable equipment used during construction activities may require statewide registration or a District permit.

If you have any questions regarding permits, please contact David Dixon, Engineering Division Supervisor, at 781-5912.

If you have any questions or comments please contact me at (805) 781-4667.

MAG/lmg

cc: Tim Fuhs, SLOAPCD Enforcement Division
Karen Brook, SLOAPCD Enforcement Division
David Dixon, SLOAPCD, Engineering Division

CP
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5-31

San Luis Obispo

Vinners & Growers Association

Members of the San Luis Obispo County
Planning Commission
County Government Center
San Luis Obispo, CA 93401

September 1, 2004

Dear Members of the Planning Commission,

We are writing to you in support of an application for Cathy MacGregor for a small winery located at 1600 Old Price Canyon Road near the intersection of Price Canyon Road and Edna Road. Cathy MacGregor of Windemere Winery has been an asset to our association and our industry for over ten years and we are thrilled that she is ready to build her own facility in the Edna Valley.

Over 80 percent of our members are boutique producers like Windemere Winery, producing very small quantities of high quality wines in small efficient winery facilities. We consider the size and scope of the proposed Windemere facility to be in keeping with the character of the wine industry in our area. In addition, we believe that the design and location of the winery building were well thought out, taking into consideration the impact to neighboring properties, the constraints of the site's topography and the importance of leaving the existing vineyard undisturbed.

In short, we believe that this is a well designed and appropriately located small winery and we encourage you to approve the application for a Minor Use Permit for Ms. MacGregor.

Sincerely,

Grant Raeside
Grant Raeside, Executive Director

Robin Baggett
Robin Baggett, President

5-31