



# Negative Declaration & Notice Of Determination

PLANNING & BUILDING DEPARTMENT • COUNTY OF SAN LUIS OBISPO  
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

ENVIRONMENTAL DETERMINATION NO. ED14-007

DATE: 7/24/14

PROJECT/ENTITLEMENT: Vina Robles Winery Conditional Use Permit; DRC2013-00009

APPLICANT NAME: Vina Robles Winery

ADDRESS: P.O. Box 699, Paso Robles, CA 93447

CONTACT PERSON: Jamie Kirk - Kirk Consulting

Telephone: 805-461-5765

**PROPOSED USES/INTENT:** Request by Vina Robles Winery for a Conditional Use Permit to allow for the construction of a two-phase wine processing facility. Phase I would include a two-story, 80,680 square foot (SF) winery, including; a wine processing facility; administrative space; kitchen area; barrel and case good storage area; lab; press and crush bay; restrooms; locker room; equipment maintenance room; break room; access improvements; water storage/wastewater storage ponds, and parking area. Phase II would include the development of a 21,680 square wine storage area. The proposed winery would produce a maximum of 100,000 cases annually. The project is not proposing any public wine tasting or special events.

**LOCATION:** The proposed project is within the Agriculture land use category and is located on the southeast portion of the intersection of Priska Road and Union Road at 1150 Priska Road, immediately east of the City of Paso Robles. The site is in the Salinas River sub area of the North County planning area.

**LEAD AGENCY:** County of San Luis Obispo  
Dept of Planning & Building  
976 Osos Street, Rm. 200  
San Luis Obispo, CA 93408-2040  
Website: <http://www.sloplanning.org>

STATE CLEARINGHOUSE REVIEW: YES  NO

**OTHER POTENTIAL PERMITTING AGENCIES:** Air Pollution Control District , Environmental Health , Regional Water Quality Control Board, California Department of Fish and Wildlife

**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 AT ..... 4:30 p.m. (two weeks from above date)

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  Lead Agency  Responsible Agency approved/denied the above described project on \_\_\_\_\_, and has made the following determinations regarding the above described project:

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 and monitoring were made a condition of approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at the 'Lead Agency' address above.

Signature	Rob Fitzroy	7/17/14	County of San Luis Obispo
	Project Manager Name	Date	Public Agency



# Initial Study Summary – Environmental Checklist

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING  
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

(ver 5.5) Using Form

## Project Title & No. Vina Robles Winery Conditional Use Permit, ED14-007, DRC2013-00009

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

Rob Fitzroy		7/17/14
Prepared by (Print)	Signature	Date

Steve McMasters		Ellen Carroll,	7/17/14
Reviewed by (Print)	Signature	Environmental Coordinator	Date
		(for)	

### **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 County Planning Department 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 Planning Department, 976 Osos Street, Rm. 200, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

## **A. PROJECT**

Request by **Vina Robles Winery** for a **Conditional Use Permit** to allow for the construction of a two-phase wine processing facility. Phase I would include a two-story, 80,680 square foot (SF) winery, including; a wine processing facility; administrative space; kitchen area; barrel and case good storage area; lab; press and crush bay; restrooms; locker room; equipment maintenance room; break room; access improvements; water storage/wastewater storage ponds, and parking area. The first floor would include 10,802 SF of office/administrative space, 58,859 SF of wine processing/storage space, 10,839 SF of outdoor covered active use area, and 12,217 SF of outdoor un-covered active use area. The second floor would include 6,369 SF of office/administrative space, 4,650 SF of wine storage, and 12,156 SF of outdoor covered active use area. Phase II would include the development of a 21,680 square wine storage area. The north expansion area would be 6,240 SF and the south expansion area would be 15,440 SF. The proposed winery would produce a maximum of 100,000 cases annually. The project is not proposing any public wine tasting or special events. The project will result in the disturbance of approximately 9.2 acres on a 45.1 acre parcel. The proposed project is within the Agriculture land use category and is located on the southeast portion of the intersection of Priska Road and Union Road at 1150 Priska Road, immediately east of the City of Paso Robles. The site is in the Salinas River sub area of the North County planning area.

## **B. BACKGROUND**

This project was previously evaluated pursuant to the requirements of CEQA. On June 24, 2010, the Mitigated Negative Declaration prepared for the project was adopted and the project was granted a Conditional Use Permit by the Planning Commission. The Conditional Use Permit expired before construction commenced and a new Conditional Use Permit has been requested. This Initial Study is intended to reevaluate the revised project associated with the Conditional Use Permit request. The project has been slightly modified from its original design. In addition, this Initial Study reflects new baseline conditions that have changed since 2010.

**ASSESSOR PARCEL NUMBER(S):** 026-211-033

Latitude: 35 degrees 38' 9.393" N Longitude: 120 degrees 38' 19.807"W **SUPERVISORIAL DISTRICT # 1**

## **B. EXISTING SETTING**

**PLAN AREA:** North County **SUB:** Salinas River

**COMB. DESIGNATION:** Airport Review;  
Flood Hazard

**LAND USE CATEGORY:** Agriculture

**VEGETATION:** Grasses; Scattered Oaks

**TOPOGRAPHY:** Gently sloping  
**EXISTING USES:** Undeveloped

**PARCEL SIZE:** 45.1 acres

**SURROUNDING LAND USE CATEGORIES AND USES:**

<i>North:</i> Agriculture; residential	<i>East:</i> Agriculture; undeveloped
<i>South:</i> Agriculture; agricultural uses	<i>West:</i> City of Paso Robles;vacant

**C. ENVIRONMENTAL ANALYSIS**

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

**Setting.** The proposed project is located off Union Road approximately three quarters of a mile southeast from the intersection of Highway 46 East on Priska Road. The parcel is located immediately east of the City of Paso Robles limits. The project site is visible from Union Road and Priska Road.

The project site is developed with an agricultural structure and office facilities which support the applicant's vineyards located on the adjoining property to the south. Currently, there are no vineyards planted on site.

**Impact.** The proposed project would be visible from Union Road and briefly from HWY 46 as shown in a visual simulation that was submitted with the application by Pults and Associates. However, the proposed project would be located on a lower portion of the site and would not silhouette against any ridgelines. In addition, the project is located in a transition area from urban to rural, and urban development is located within the vicinity of the project site. As development increases along this urban fringe and along Union Road, each project contributes to some degree to the alteration of the landscape. However, based on the size of the project, existing surrounding development, and implementation of landscaping, the proposed project would be compatible with the surrounding uses insofar as the project does not use bright, obtrusive or otherwise incompatible colors or materials that are inconsistent with the character of the area. The proposed project would introduce exterior lighting which could result in off-site light and glare.

**Mitigation/Conclusion.** Mitigation measures have been identified to mitigate visual impacts resulting from the proposed project to a level of insignificance including submittal and implementation of an exterior lighting plan to assure that exterior lights are shielded to eliminate off site light and glare.

The applicant has also agreed to provide a final landscape plan prepared by a licensed professional, which shall demonstrate partial screening of the structure and parking areas as seen from Union/HWY 46 within five years.

To ensure compatibility with the surrounding environment, the applicant has agreed to submit a final color and materials board for review and approval. Exterior colors and materials shall be consistent with County guidelines. See Exhibit B for details.

## 2. AGRICULTURAL RESOURCES

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land, per NRCS soil classification, to non-agricultural use?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <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"/>
d) <i>Conflict with existing zoning for agricultural use, or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) <i>Other: <u>AGP8 and AGP18 refer to Section 15</u></i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project site is 45.1 acres and designated Agriculture. The site is not currently enrolled in a Williamson Act (Land Conservation Act) contract. The site has not supported crops in recent history. The site contains a mix of approximately 33 acres of Prime Farmland (if irrigated) and Farmland of Statewide Importance.

The proposed project is a production winery operation in which every aspect of wine making can be conducted on-site including: harvest, crushing, fermentation, barrel aging, blending, bottling, case storage, and retail sales. Vina Robles Group, Inc. owns, manages and farms multiple properties within San Luis Obispo County. There are 860 acres immediately south and contiguous to the winery site. This area known as Huerhuero Vineyard is planted in various varieties estimated at 524 acres. Vina Robles intends to process a percentage of their fruit at this winery. The remainder will be sold to other vintners and wineries. The applicant proposes to produce up to 100,000 cases of wine annually.

**Project Elements.** The following area-specific elements relate to the property's importance for agricultural production:

Land Use Category: Agriculture

Historic/Existing Commercial Crops: None

State Classification: Not prime farmland, Farmland of Statewide Importance, Prime Farmland if irrigated

In Agricultural Preserve? No

Under Williamson Act contract? No

The soil type(s) and characteristics on the subject property include:

Arbuckle-Positas complex (50 - 75 % slope).

Arbuckle. This very steeply sloping soil is considered moderately drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, slow percolation. The soil is considered Class IV without irrigation and Class IV when irrigated.

Positas. This very steeply sloping soil is considered very poorly drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, slow percolation. The soil is considered Class IV without irrigation and Class IV when irrigated.

Arbuckle-San Ysidro complex (2 - 9% slope).

Arbuckle. This gently sloping coarse loamy soil is considered moderately drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class IV without irrigation and Class II when irrigated.

San Ysidro. This gently sloping coarse loamy soil is considered moderately to well drained. The soil has high erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class IV without irrigation and Class II when irrigated.

Hanford and Greenfield gravelly sandy loams (2 - 9% slope).

Hanford. This gently sloping, coarse loamy bottom soil is considered moderately drained. The soil has low erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: no severe limitations identified. The soil is considered Class IV without irrigation and Class II when irrigated.

Greenfield. This gently sloping, coarse loamy bottom soil is considered moderately drained. The soil has low erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: no severe limitations identified. The soil is considered Class IV without irrigation and Class II when irrigated.

**Impact.** The project proposes to construct a new wine processing facility. The total project would impact approximately 9.2 acres that would also include agricultural storage ponds, a detention basin, driveways, parking areas, and associated improvements. The project is proposed to function solely as a production facility and does not include a visitor use component (no public tasting and no special events). The wine facility would process up to 100,000 cases annually.

The Agricultural Department was referred the revised project on August 28, 2013 and had no additional comments beyond those previously provided. The Agricultural Department reviewed the proposed project (Mike Isensee, December 23, 2008) and identified concerns that the proposed location of the agricultural ponds and fire protection pond (located on the far west of the property, away from the wine facility) caused the fragmentation of agriculturally productive soils.

On January 12, 2010, the agent for Vina Robles and the Agricultural Department (Mike Isensee) met on site to discuss alternative locations for the ponds. To ensure consistency with Agricultural Policies 8 and 18, the location of the future ponds are to be located in such a way as to avoid fragmentation of agriculturally productive soils.

Two options were proposed that are an improvement to the originally sited location. These options include: Option 1 – location is directly behind the wine processing facility; Option 2 – location is on the northern property line beside the existing agricultural structure. The Agricultural Department found that the proposed relocations avoids fragmentation of agriculturally productive soils and adequately addresses the Agriculture Departments concerns. The proposed project can be found consistent with Agricultural Policies 8 and 18. Also refer to Section 15, Land Use.

The Agricultural Department also found that the project would have a less than significant impact to agricultural resources or operations if the following concerns were also met:

- Limit improved parking facilities to no more than required to meet LUO standards
- Limit landscaping to drought tolerant, drip irrigated vegetation as necessary to screen from

public view

The Agricultural Department commented that the proposed kitchen (1,024 sf) appears to be larger than necessary. The Agricultural Department recommends utilizing the standards for restaurants in the Agricultural land use category and limiting the commercial kitchen to a maximum of 800 sq. ft.

Per Title 22 Definitions 22.80. Restaurants are defined as: Establishments selling prepared food and drinks for on premise consumption. The applicant has not requested a restaurant to sell food per section 22.80. The kitchen will be utilized to prepare food for visiting trade personnel. For example, wine critics, writers, restaurant owners, and hospitality industry personnel shall be invited to visit the site to conduct business. The winery is proposing prepare meals for the visiting personnel. As such, the project would not be required to reduce the size of the kitchen.

**Mitigation/Conclusion.**

To ensure consistency with Agricultural Polices 8 and 18, the location of the future agricultural ponds and fire protection pond will be located in such a way as to avoid fragmentation of agriculturally productive soils. The applicant has agreed to Option 1 or Option 2. The project will be conditioned that prior to submittal for construction plans, the applicant shall choose Option 1 or Option 2 as the future site for the agricultural ponds and the fire protection pond.

The proposed project also included a request for 44 parking spaces. Per Title 22, 44 spaces are required.

The applicant shall submit a final landscape plan prepared by a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman), the plants shall be drought-tolerant, low-water use species consistent with the surrounding natural vegetation. Italian cypress and lawn turf shall not be included in the landscape plan.

The project was reviewed for consistency with the Agriculture and Open Space Element. The project was found to be consistent with implementation of the above requested mitigations from the Agricultural Department. Refer to Exhibit B Mitigation Summary Table for complete details.

**3. AIR QUALITY**

*Will the project:*

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

### 3. AIR QUALITY

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
e) <i>Result in a cumulatively considerable net increase of any criteria pollutant either considered in non-attainment under applicable state or federal ambient air quality standards that are due to increased energy use or traffic generation, or intensified land use change?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### GREENHOUSE GASES

f) <i>Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Setting.** The Air Pollution Control District (APCD) has developed and updated their CEQA Air Quality Handbook (2012) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

**Greenhouse Gas (GHG) Emissions** are said to result in an increase in the earth's average surface temperature. This is commonly referred to as global warming. The rise in global temperature is associated with long-term changes in precipitation, temperature, wind patterns, and other elements of the earth's climate system. This is also known as climate change. These changes are now thought to be broadly attributed to GHG emissions, particularly those emissions that result from the human production and use of fossil fuels.

The passage of AB32, the California Global Warming Solutions Act (2006), recognized the need to reduce GHG emissions and set the greenhouse gas emissions reduction goal for the State of California into law. The law required that by 2020, State emissions must be reduced to 1990 levels. This is to be accomplished by reducing greenhouse gas emissions from significant sources via regulation, market mechanisms, and other actions. Subsequent legislation (e.g., SB97-Greenhouse Gas Emissions bill) directed the California Air Resources Board (CARB) to develop statewide thresholds.

In March 2012, the San Luis Obispo County Air Pollution Control District (APCD) approved thresholds for GHG emission impacts, and these thresholds have been incorporated the APCD's CEQA Air Quality Handbook. APCD determined that a tiered process for residential / commercial land use projects was the most appropriate and effective approach for assessing the GHG emission impacts. The tiered approach includes three methods, any of which can be used for any given project:

1. Qualitative GHG Reduction Strategies (e.g. Climate Action Plans): A qualitative threshold that is consistent with AB 32 Scoping Plan measures and goals; or,
2. Bright-Line Threshold: Numerical value to determine the significance of a project's annual

GHG emissions; or,

3. **Efficiency-Based Threshold:** Assesses the GHG impacts of a project on an emissions per capita basis.

For most projects the Bright-Line Threshold of 1,150 Metric Tons CO<sub>2</sub>/year (MT CO<sub>2</sub>e/yr) will be the most applicable threshold. In addition to the residential/commercial threshold options proposed above, a bright-line numerical value threshold of 10,000 MT CO<sub>2</sub>e/yr was adopted for stationary source (industrial) projects.

It should be noted that projects that generate less than the above mentioned thresholds will also participate in emission reductions because air emissions, including GHGs, are under the purview of the California Air Resources Board (or other regulatory agencies) and will be “regulated” either by CARB, the Federal Government, or other entities. For example, new vehicles will be subject to increased fuel economy standards and emission reductions, large and small appliances will be subject to more strict emissions standards, and energy delivered to consumers will increasingly come from renewable sources. Other programs that are intended to reduce the overall GHG emissions include Low Carbon Fuel Standards, Renewable Portfolio standards and the Clean Car standards. As a result, even the emissions that result from projects that produce fewer emissions than the threshold will be subject to emission reductions.

Under CEQA, an individual project’s GHG emissions will generally not result in direct significant impacts. This is because the climate change issue is global in nature. However, an individual project could be found to contribute to a potentially significant cumulative impact. Projects that have GHG emissions above the noted thresholds may be considered cumulatively considerable and require mitigation.

**Impact.** As proposed, the project will result in the disturbance of approximately 9.2 acres. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. As identified by the APCD, air quality impacts during construction include: the creation of reactive organic gasses (ROG), nitrogen oxides (NO<sub>x</sub>), and particulate matter; the creation of fugitive dust; unpermitted developmental burning; and, operation of equipment 50 horsepower (hp) or greater without a permit or authorization. The APCD quantified operational criteria pollutant emissions and determined the project would not exceed applicable thresholds; however, the proposed project has the potential to result in certain operational impacts, including: operation of certain equipment without an APCD permit or authorization; the creation of nuisance odors affecting nearby sensitive receptors (residences); and, emissions generated by agricultural burning. In addition, if construction activities result in more than 2,000 cubic yards of grading per day, potential impacts could result relative to construction equipment emissions.

APCD qualified GHG emissions from the project and determined that it would not exceed applicable GHG thresholds. GHG impacts would be less than significant.

**Mitigation/Conclusion.** To mitigate for potential air quality impacts, the applicant has agreed to implement the following measures.

Construction Phase Emissions. To mitigate construction equipment emissions, the applicant has agreed to implement standard controls and Best Available Control Technology (BACT). These measures include installing emission reduction retrofit devices on equipment and the use of alternative energy sources.

Fugitive Dust (PM<sub>10</sub>). To minimize nuisance dust impacts, the applicant is required to implement APCD fugitive dust mitigation measures including reducing the amount of disturbed area where possible, the use of water trucks or sprinkler systems to water down airborne dust, daily spraying of dirt stock-pile areas, paving of applicable surfaces as soon as possible after grading, laying of building pads as soon as possible.

Operational Impacts. To minimize the potential for nuisance odors, the applicant has agreed to prepare and implement an odor reduction program in association with the proposed wastewater facility and processing building.

Equipment Permit Requirements. The applicant has agreed to contact APCD, and obtain all applicable permits, authorizations, and approvals prior to construction and operation of the proposed Implementation of the mitigation measures described above and listed in Exhibit B would mitigate all identified air quality impacts to less than significant levels.

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.

<b>4. BIOLOGICAL RESOURCES</b> <i>Will the project:</i>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
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>Interfere with the movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Conflict with any regional plans or policies to protect sensitive species, or regulations of the California Department of Fish &amp; Wildlife or U.S. Fish &amp; Wildlife Service?</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 checked="" type="checkbox"/>

\* Species – as defined in Section 15380 of the CEQA Guidelines, which includes all plant and wildlife species that fall under the category of rare, threatened or endangered, as described in this section.

**Setting.** The project site is currently developed with existing agriculture structures, and access roads (paved and unpaved). However, a majority of the site is undeveloped. The subject property consists of annual and perennial grassland habitat with occasional oak trees. The property is also bisected by seasonal drainage lined by blue oaks and valley oaks. The topography of the property is gently to steeply sloping.

The following are existing elements on or near the proposed project relating to potential biological concerns:

On-site Vegetation: grassland with scattered blue oaks

Name and distance from blue line creek(s): tributary to Huerhuero Creek courses through the subject property

Habitat(s): Blue Oak Woodland, Valley Oak Woodland, Critical Fairy Shrimp Habitat, Vernal

## Pool Region (Carrizo)

Site's tree canopy coverage: Approximately 5%.

San Joaquin Kit Fox mitigation ratio: 3:1 on-site

The Natural Diversity Database (or other biological references) identified the following species potentially existing within approximately one mile of the proposed project:

Plants-none

Wildlife- San Joaquin kit fox (*Vulpes macrotis mutica*) has been found about 0.10 and 0.84 mile to the southwest. The San Joaquin kit fox is Federal Endangered and California Threatened. The project site is located within the 3:1 Kit fox mitigation area.

Vernal pool fairy shrimp (*Branchinecta lynchi*) has been found about 0.4 and 0.50 mile to the northeast. Vernal pool fairy shrimp is considered federally threatened. This species is endemic to the grasslands of the Central Valley, Central Coast mountains, and South Coast mountains, as well as found in rain-filled pools. The shrimp inhabits small, clear-water sandstone-depression pools and grassed swales, earth slumps, or basalt-flow depression pools. There is potential for fairy shrimp to occur on the project site.

Habitat- Blue oak woodland (<10%) has been found on-site. Blue oak woodlands total approximately 68,500 acres in San Luis Obispo County. Blue oaks are found on the project site.

Valley oak woodland (10-33%) has been found about 0.27 mile to the southwest. No woodland exists on site.

Vernal Pool Region -The project site occurs within the Carrizo Vernal Pool Region, as designated by the California Department of Fish and Game. Vernal pool habitat consists of seasonal wetlands (i.e. areas that pond water during the wet season and dry up during the summer months) that may provide habitat for sensitive aquatic plant and animal species. Vernal pools have the potential to occur on site.

**Impact.** Site disturbance would include grading activities for structures, parking areas, agricultural ponds, water storage ponds, and access road improvements. No oak trees would be removed or directly impacted by the proposed construction activities. On November 26, 2013, SWCA Environmental Consultants confirmed that the biological conditions represented in the previously Mitigated Negative Declaration for the original Conditional Use Permit are still accurate and valid for purposes of this analysis.

The Kit Fox Habitat Evaluation (Morro Group; May 19, 2008) indicates the project will impact 9.2 acres of San Joaquin kit fox habitat. The Kit Fox Habitat Evaluation form was reviewed by Bob Stafford of the California Department of Fish and Game on March 18, 2009. The evaluation, complete with Mr. Stafford's changes, resulted in a score of 71 points, which requires that all impacts to kit fox habitat be mitigated at a ratio of 3 acres conserved for each acre impacted (3:1). Total compensatory mitigation required for the project is 29.61 acres, based on 3 times 9.2 acres impacted. On November 26, 2013, SWCA Environmental Consultants confirmed that the findings of the 2009 evaluation are still accurate and consistent with CDFW requirements.

A Vernal Pool Site Assessment (Althouse and Meade, Inc., June 26, 2009, and September 29, 2009) was performed on the 40 acre project site to inspect the project site's topography for the potential to support vernal pool habitat (e.g., low-elevation areas, depressions, natural or man-made ponded areas, etc.). Based on that Vernal Pool Site Assessment performed by Althouse and Meade, vernal pool habitats were not identified on the proposed winery site. However, to ensure that vernal pools are not impacted, the Environmental Division has requested additional monitoring. As a result to this

request, surveys were performed after multiple rain events in 2013/2014. The results of those surveys confirmed no vernal pools are present (Althouse and Meade, Inc., April 29, 2014). No impacts to vernal pools or fairy shrimp would occur.

Mitigation measures are listed in detail in Exhibit B Mitigation Summary Table.

**Mitigation/Conclusion.** With regards to the San Joaquin Kit Fox, the applicant will be required to mitigate the loss of 29.61 acres of kit fox habitat by one of the following ways:

- ✓ Deposit of funds to an approved in-lieu fee program;
- ✓ Provide for the protection of kit foxes in perpetuity through acquisition of fee or conservation easement of suitable habitat in the kit fox corridor area; or
- ✓ Purchase credits in an approved conservation bank.

To prevent inadvertent harm to kit fox, the applicant has agreed to retain a biologist for a pre-construction survey, a pre-construction briefing for contractors, and monitoring activities in addition to implementing cautionary construction measures.

All mitigation measures are listed in detail in Exhibit B Mitigation Summary Table.

<b>5. CULTURAL RESOURCES</b> <i>Will the project:</i>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
a) <i>Disturb archaeological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historical 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 checked="" type="checkbox"/>

**Setting.** The County's LUO (Sec.22.10.040/23.05.140) includes a provision that construction work cease in the event resources are unearthed with work allowed to continue once the issue is resolved. The project is located in an area historically occupied by the Obispeno Chumash and Salinan. No historic structures are present and no paleontological resources are known to exist in the area.

Title 22, Section 22.94.020, states if a proposed project is within 300 feet of a creek then a Phase I Archeology Survey shall be conducted. The proposed project is located approximately 100 feet from a tributary to Huerhuero Creek.

**Impact.** A Phase I Archeology was conducted for the project site in October 2, 2008 by Thor Conway. The Phase I concluded that the project site contained no culturally sensitive materials and that no impacts to cultural resources would occur.

**Mitigation/Conclusion.** No significant cultural resource impacts are expected to occur, however, in the event archaeological resources are found on site, construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of the discovered material may be recorded by a qualified archaeologist and artifacts may be preserved in accordance with state and federal law. In the event archaeological resources are found to include human remains, the County Coroner shall also be notified.

**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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone", or other known fault zones*?</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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <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"/>
f) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

\* Per Division of Mines and Geology Special Publication #42

**Setting.** The following relates to the project's geologic aspects or conditions:

Topography: Gently sloping

Within County's Geologic Study Area?: No

Landslide Risk Potential: Moderate

Liquefaction Potential: Low

Nearby potentially active faults?: Yes Distance? 3.4 miles southwest

Area known to contain serpentine or ultramafic rock or soils?: No

Shrink/Swell potential of soil: Low

Other notable geologic features? None

A sedimentation and erosion control plan is required for all construction and grading projects (LUO Sec. 22.52.120, CZLUO Sec. 23.05.036) 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.

**Impact.** As proposed, the project will result in the disturbance of approximately 9.2 acres. As

identified in the Water and Hydrology section, the project will be subject a number of existing regulations to address drainage, sedimentation and erosion control, and surface water quality. These will be addressed as a part of the construction and grading permits.

**Mitigation/Conclusion.** There is no evidence that measures above what will already be required by ordinance or codes are needed.

<b>7. HAZARDS &amp; HAZARDOUS MATERIALS - Will the project:</b>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
a) <i>Create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Create a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼-mile of an existing or proposed school?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be located on, or adjacent to, a site which is included on a list of hazardous material/waste sites compiled pursuant to Gov't Code 65962.5 ("Cortese List"), and result in an adverse public health condition?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Impair implementation or physically interfere with an adopted emergency response or evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>If within the Airport Review designation, or near a private airstrip, result in a safety hazard for people residing or working in the project area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Increase fire hazard risk or expose people or structures to high wildland fire hazard conditions?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Be within a 'very high' fire hazard severity zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Be within an area classified as a 'state responsibility' area as defined by CalFire?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**7. HAZARDS & HAZARDOUS MATERIALS - Will the project:**

Potentially Significant      Impact can & will be mitigated      Insignificant Impact      Not Applicable

j) Other: \_\_\_\_\_

**Setting.** The proposed project is not found on the 'Cortese List' (which is a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5). The project is within a high severity risk area for fire (ten minute response time). The parcel is within the Airport Review area. The project was referred to City of Paso Robles (Roger Oxborrow, Paso Robles Airport Manager). The proposed project is considered consistent with the Airport Land Use Plan. No mitigations required.

**Impact.** The project does not propose the use of hazardous materials. The project is not expected to conflict with any regional evacuation plan. The proposed project was referred to CAL FIRE for review. No significant fire hazard impacts were identified. The applicant is required to comply with the California Fire Code, California Building Code, the Public Resources Code.

**Mitigation/Conclusion.** The applicant is required to comply with all standard regulations. Based on compliance with standards, hazards and hazardous materials impacts would be less than significant.

**8. NOISE**

*Will the project:*

Potentially Significant      Impact can & will be mitigated      Insignificant Impact      Not Applicable

- a) *Expose people to noise levels that exceed the County Noise Element thresholds?*
- b) *Generate permanent increases in the ambient noise levels in the project vicinity?*
- c) *Cause a temporary or periodic increase in ambient noise in the project vicinity?*
- d) *Expose people to severe noise or vibration?*
- e) *If located within the Airport Review designation or adjacent to a private airstrip, expose people residing or working in the project area to severe noise levels?*
- f) Other: \_\_\_\_\_

**Setting.** The project is within the Airport Review designation and the area is subject to relatively low aircraft flyovers. The project was referred to the City of Paso Robles (Roger Oxborrow). The project is consistent with the Airport Use Plan. No concerns were identified.

Based on the Noise Element's projected future noise generation from known stationary and vehicle-

generated noise sources, the project is within an acceptable threshold area.

**Impact.** The project is not expected to generate loud noises, nor conflict with the surrounding uses.

**Mitigation/Conclusion.** The project is consistent with the County's Noise Element. No significant noise impacts are anticipated, and no mitigation measures are necessary.

**9. POPULATION/HOUSING**

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly (e.g., construct new homes or businesses) or indirectly (e.g., 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>Other: <u>Inclusionary House Fees</u></i>	<input type="checkbox"/>	<input checked="" 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.

**Impact.** The project will not result in a need for a significant amount of new housing, and will not displace existing housing. Commercial development of 5,000 sq. ft. or more of floor are for commercial use requires the payment of a housing impact fee or construction of Inclusionary housing units.

**Mitigation/Conclusion.** The project is consistent with the County's Housing Element. Prior to issuance of the Building Permit, the applicant shall pay applicable Inclusionary Housing fees pursuant to Section 22.12.080.

**10. PUBLIC SERVICES/UTILITIES**

*Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Fire protection?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Police protection (e.g., Sheriff, CHP)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Schools?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Roads?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Solid Wastes?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## 10. PUBLIC SERVICES/UTILITIES

*Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
f) <b>Other public facilities?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <b>Other:</b> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Setting.** The project area is served by the following public services/facilities:

Police: County Sheriff

Location: Templeton (Approximately 9.3 miles to the east)

Fire: Cal Fire (formerly CDF)

Hazard Severity: Very High

Response Time: 10-15 minutes

Location: Approximately 5 miles to the east

School District: Paso Robles Joint 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.** The project has been reviewed by CAL FIRE for consistency with the Uniform Fire Code and will be required to prepare a fire safety plan. 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

*Will the project:*

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

**Mitigation/Conclusion.** The project is consistent with the County's Trail Plan and the Parks and Recreation Element. No significant recreation impacts are anticipated, and no mitigation measures are necessary.

## 12. TRANSPORTATION/CIRCULATION

<i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Level of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Conflict with an established measure of effectiveness for the performance of the circulation system considering all modes of transportation (e.g. LOS, mass transit, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Conflict with an applicable congestion management program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Setting.** Airport Review Combining Designation. The project is within the County's Airport Review combining designation (AR). The AR is used to recognize and minimize the potential conflict between new development around the City of Paso Robles's airport and the ability of aircraft to safely and efficiently maneuver to and from this airport. This includes additional standards relating to limiting structure/vegetation heights as well as avoiding airport operation conflicts (e.g., exterior lighting, radio/electronic interference, etc.). The Airport Land Use Plan (ALUP) provides guidance for and limitations to the type of development allowed within the AR designation. Per the ALUP, the proposed use is considered "compatible". The project was reviewed by Roger Oxborrow (July 16, 2008) and stated that the project is consistent with the Airport Land Use plan.

Referrals were sent to Public Works and CAL TRANS. The project as proposed would not generate public traffic because no public tasting and no special events are proposed. However, there would be an increase in truck traffic. Therefore, Public Works is recommending that the project pay into the City of Paso Robles Road Impact Fee program to mitigate traffic impacts.

**Impact.** The proposed project will use grapes from the applicants other vineyards within the county that totals approximately 524 acres. No grapes will be purchased from other wineries. The project proposes to employ 16 employees. It is estimated at that a total of 6 trucks would access the facility during crush. No public tasting and no special events have been proposed. No project specific impacts would result.

With regards to impacts to the City of Paso Robles, the proposed Vina Robles Winery will generate traffic on Union Road and will therefore impact Union Road in the City and its intersection with Highway 46E. In order to mitigate these impacts, the City of Paso Robles, CAL TRANS, and Public Works recommends that the applicant pay traffic impact fees into the City of Paso Robles Impact Fee Program.

**Mitigation/Conclusion.** The applicant shall be required to pay into the City of Paso Robles Impact Fee program on the building permits submitted in the amount of the fees in place, in the City, at the time the building permits are issued.

**13. WASTEWATER**

<i>Will the project:</i>	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, day-lighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Setting.** Regulations and guidelines on proper wastewater system design and criteria are found within the County’s Plumbing Code (hereafter CPC; see Chapter 7 of the Building and Construction Ordinance [Title 19]), the “Water Quality Control Plan, Central Coast Basin” (Regional Water Quality Control Board [RWQCB] hereafter referred to as the “Basin Plan”), and the California Plumbing Code. These regulations include specific requirements for both on-site and community wastewater systems. These regulations are applied to all new wastewater systems.

**Impacts.** Sewage system design must be consistent with the Uniform Plumbing Code and the Central Coast Basin Plan, or the project’s future construction permit(s) will not be approved. Based on the following project conditions or design features, wastewater impacts are considered less than significant:

The proposed project estimates:

**Annual volumes:**

@ 10 gallons /case

100,000 cases (10 gallons) = 1,000,000

**Harvest volumes:**

Approximately 20% of annual flows during 61 days of harvest

1,000,000 (20%) = 200,000 gallons

200,000/61 days = 3,279 gallons per day

**Peak Crush day volumes:**

Approximately 7% of harvest use

200,000 (7%) = 14,000 gallons per day

Volumes greater than 2,500 gpd require approval by the State Regional Water Quality Control Board (RWQCB).

The project proposes to use on-site systems as the means to dispose of wastewater. Standard systems are proposed to manage domestic wastewater generated by the winery and based on the proposed project, adequate area is available for an on-site system.

To treat wastewater generated by the winery the following has been proposed: One pond will be for wastewater treatment, a second pond for the treated effluent and the third pond will for fire protection (water storage pond).

The winery is proposed to produce 100,000 cases of wine annually, resulting in a peak water demand of up to 14,000 gallons per day during the crushing season. Based on the proposed wastewater discharge amount, a waste discharge permit will be required from the Regional Water Quality Control Board (RWQCB). The RWQCB will also conduct final review and approval of the proposed wastewater ponds.

**Mitigation/Conclusion.** The leach lines for domestic wastewater 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 standard septic systems 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.

The proposed winery wastewater treatment pond will require a waste discharge permit from the Regional Water Quality Control Board prior to construction. Based on compliance with existing regulations and requirements, potential wastewater impacts would be less than significant

## 14. WATER & HYDROLOGY

<i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
<b>QUALITY</b>				
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, sediment, temperature, dissolved oxygen, etc.)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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>Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide additional sources of polluted runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## 14. WATER & HYDROLOGY

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
<i>Will the project:</i>				
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>QUANTITY</b>				
h) <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"/>
i) <i>Adversely affect community water service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) <i>Expose people to a risk of loss, injury or death involving flooding (e.g., dam failure, etc.), or inundation by seiche, tsunami or mudflow?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Setting.

**WATER SUPPLY.** The project proposes to use an on-site well as its water source. The project is located in the Paso Robles Ground Water Basin Urgency Ordinance Area. The County has established the basin at Level of Severity III, which is the highest level and represents the most serious resource problem. The 2011 Resource Capacity Study concluded that the basin was at or approaching its safe yield, meaning that more water is pumped out than is going back in resulting in continual and widespread lowering of groundwater levels.

The San Luis Obispo County Flood Control and Water Conservation District maintains monitoring well locations throughout the groundwater basin. Measurements are conducted twice a year to determine groundwater levels. The latest measurements taken in April 2013 are related in "hydrographs" which are graphic representations of changes in groundwater levels over time along with yearly rainfall. Hydrographs are developed for four areas of the main basin. These hydrographs graphically show that groundwater levels have recently fallen in all four areas:

- Shandon - Water levels have dropped approximately 17 feet from 2011 to 2013.
- Creston – Water levels dropped approximately 25 feet from 2011 to 2013.
- Estrella – Water levels have dropped approximately 25 feet from 2011 to 2013.
- San Juan – Water levels have dropped approximately 5 feet from 2012 to 2013.

On August 27, 2013, the Board of Supervisors adopted Urgency Ordinance 3246, which requires that all new water demand created from new or expanded crop production or new development depended on a well within the basin must be offset at a minimum ratio of 1:1.

**DRAINAGE** – The following relates to the project's drainage aspects:

Within the 100-year Flood Hazard designation? Yes (no structures would be in 100-year plain)

Closest creek? On site.

Soil drainage characteristics: Well drained

**SEDIMENTATION AND EROSION** – Soil type, area of disturbance, and slopes are key aspects to analyzing potential sedimentation and erosion issues. The project's soil types and descriptions are listed in the previous Agriculture section under "Setting". As described in the NRCS Soil Survey, the project's soil erodibility is as follows:

Soil erodibility: Moderate

A sedimentation and erosion control plan is required for all construction and grading projects (LUO Sec. 22.52.120) 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 – Water Quality/Hydrology**

With regards to project impacts on water quality the following conditions apply:

- ✓ Approximately 9.2 acres of site disturbance is proposed and the movement of approximately 53,000 cubic yards of material (balanced on site);
- ✓ The project will be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use;
- ✓ The project will be disturbing over an acre and will be required to prepare a SWPPP, which will be implemented during construction;
- ✓ The project is not within a 100-year Flood Hazard designation;
- ✓ The project is more than 100 feet from the closest creek or surface water body;
- ✓ All disturbed areas will be permanently stabilized with impermeable surfaces and landscaping;
- ✓ Parking area drainage inlets will be fitted with hydrocarbon filters;
- ✓ Bioswales will be installed as a part of the drainage plan;
- ✓ Stockpiles will be properly managed during construction to avoid material loss due to erosion;
- ✓ The project is subject to the County's Plumbing Code (Chapter 7 of the Building and Construction Ordinance [Title 19]), and/or the "Water Quality Control Plan, Central Coast Basin" for its wastewater requirements, where wastewater impacts to the groundwater basin will be less than significant;
- ✓ All hazardous materials and/or wastes will be properly stored on-site, which include secondary containment should spills or leaks occur;

### **Water Supply**

A water demand analysis was prepared by Wallace Group (December 30, 2013). The project would require 0.61 acre feet per year (AFY) for wine production, 0.03 AFY for employee use, 2 AFY for landscaping for a total of 2.65 AFY. In addition, evaporation from the proposed ponds would result in the loss of 1.17 AFY. However, there would be a net increase of 2 AFY as a result of the installation of water collection systems for ornamental and vineyard irrigation. As a result, the project would be required to offset 1.81 AFY to ensure that impacts to water supply remain less than significant.

**Mitigation/Conclusion.** As specified above for water quality, existing regulations and/or required plans will adequately address surface water quality impacts during construction and permanent use of the project. No additional measures above what are required or proposed are needed to protect water

quality. Based on the proposed amount of water to be use and the water source, the project would be required to offset 1.81 AFY. The project would remove an equivalent of existing vineyards to offset the demand of 1.81 AFY.

**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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>

**Setting/Impact.** 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 sent to outside agencies to review for policy consistencies (e.g., CAL FIRE for Fire Code, APCD for Clean Air Plan, etc.). 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.

As discussed in *Agriculture*, the Agricultural Department has reviewed the proposed project (Mike Isensee, December 23, 2008). The following was a list of their concerns:

- **Fragmentation.** The Agricultural Department had concerns that the proposed location of the agricultural ponds and fire protection pond (located on the far west of the property, away from the wine facility) caused the fragmentation of agriculturally productive soils.
- **Parking.** The proposed project should meet only what is required by ordinance.
- **Landscaping and outdoor use areas,** (paths, grass areas, landscaping, etc. These areas are not associated with agricultural process.

Due to these features, the Agricultural Department was unclear if the proposed project was consistent with AG Policies 8, and 18.

- **AGP8: Intensive Agricultural Facilities.**
  - a. Allow the development of compatible intensive agricultural facilities that support local agricultural production, processing, packing, and support industries.

- b. Locate intensive agricultural facilities off productive agricultural land unless there are no other feasible locations. Locate all new structures where land use compatibility, circulation, and infrastructure capacity exist or can be developed compatible with agricultural uses.

- **AGP18: Location of Improvements.**

- a. Locate new buildings, access roads, and structures so as to protect agricultural land.

To ensure that the project is consistent with Agricultural Policies 8 and 18, and will have less than a significant impact to agricultural resources, the Agricultural Department recommends the following:

- Evaluate the consolidation of the project facilities to the extent practicable
- Limit improved parking to LUO standards
- Limit landscaping to drought tolerant, and vegetation necessary to screen structure

On January 12, 2010, the agent for Vina Robles (Tim Woodle) and the Agricultural Department (Mike Isensee) met on site to discuss alternative locations for the agricultural/fire ponds. To ensure consistency with Agricultural Policies 8 and 18, the location of the future ponds will be located in such a way as to avoid fragmentation of agriculturally productive soils.

Two options were proposed that are considered an improvement to the originally sited location. These options include:

- Option 1 – Locate ponds directly behind the wine processing facility;
- Option 2 – Locate ponds on the northern property line beside the existing agriculture structure.

The Agricultural Department found that the proposed relocations adequately address the Departments concerns and that the project can be found consistent with Agricultural Policies 8 and 18.

As discussed in *Water and Hydrology*, the project is located in the Paso Robles Ground Water Basin Urgency Ordinance Area. Urgency Ordinance 3246 requires that all new water demand created from new or expanded crop production or new development depended on a well within the basin must be offset at a minimum ratio of 1:1. The project would be required to offset 1.81 acre feet of water. To offset this amount, the project will be removing an area of existing, active irrigated vineyard equivalently sized to offset 1.81 acre feet of water per year (refer to Exhibit B).

**Mitigation/Conclusion.** The proposed project will have less than a significant impact on agricultural resources and can be found consistent with Agricultural Policies 8 and 18 with the following mitigations.

- **Fragmentation.** To ensure consistency with Agricultural Policies 8 and 18, the location of the future agricultural ponds will be located in such a way as to avoid fragmentation of agriculturally productive soils. The applicant has agreed prior to submittal of construction plans to choose Option 1 or Option 2 as the future site for the agricultural/fire ponds.
- **Parking.** The applicant has agreed to not exceed the number of parking as required by ordinance.
- **Landscaping.** The applicant has also agreed to submit a final landscape plan. The plants shall be drought-tolerant and be low-water use species consistent with the surrounding natural vegetation. Italian cypress and lawn turf shall not be included in the landscape plan. The plan shall demonstrate screening partial screening of the winery structure and parking areas.

These mitigation measures are listed in detail in Exhibit B Mitigation Summary Table. Refer additionally to Section 2, Agricultural Resources.

**16. MANDATORY FINDINGS OF SIGNIFICANCE**

Potentially Significant      Impact can & will be mitigated      Insignificant Impact      Not Applicable

*Will the project:*

- a) *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 pre-history?*

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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- b) *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)*

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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- c) *Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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For further information on CEQA or the County's environmental review process, please visit the County's web site at "[www.sloplanning.org](http://www.sloplanning.org)" under "Environmental Information", or the California Environmental Resources Evaluation System at: [http://www.ceres.ca.gov/topic/env\\_law/ceqa/guidelines](http://www.ceres.ca.gov/topic/env_law/ceqa/guidelines) for information about the California Environmental Quality Act.

## Exhibit A - Initial Study References and Agency Contacts

The County Planning Department has 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	<b>Attached</b>
<input checked="" type="checkbox"/>	County Environmental Health Services	<b>Attached</b>
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	<b>Attached</b>
<input type="checkbox"/>	County Airport Manager	<b>Not Applicable</b>
<input checked="" type="checkbox"/>	Airport Land Use Commission	<b>Attached</b>
<input checked="" type="checkbox"/>	Air Pollution Control District	<b>Attached</b>
<input type="checkbox"/>	County Sheriff's Department	<b>Not Applicable</b>
<input checked="" type="checkbox"/>	Regional Water Quality Control Board	<b>Attached</b>
<input type="checkbox"/>	CA Coastal Commission	<b>Not Applicable</b>
<input checked="" type="checkbox"/>	CA Department of Fish and Wildlife	<b>Attached</b>
<input checked="" type="checkbox"/>	CA Department of Forestry (Cal Fire)	<b>Attached</b>
<input checked="" type="checkbox"/>	CA Department of Transportation	<b>In File**</b>
<input type="checkbox"/>	Community Services District	<b>Not Applicable</b>
<input checked="" type="checkbox"/>	Other <u>City of Paso Robles</u>	<b>Not Applicable</b>
<input type="checkbox"/>	Other _____	<b>Not Applicable</b>

\*\* "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.

<input checked="" type="checkbox"/> Project File for the Subject Application	<input type="checkbox"/> Design Plan
<u>County documents</u>	<input type="checkbox"/> Specific Plan
<input type="checkbox"/> Coastal Plan Policies	<input checked="" type="checkbox"/> Annual Resource Summary Report
<input checked="" type="checkbox"/> Framework for Planning (Coastal/Inland)	<input type="checkbox"/> Circulation Study
<input checked="" type="checkbox"/> General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:	<u>Other documents</u>
<input checked="" type="checkbox"/> Agriculture Element	<input checked="" type="checkbox"/> Clean Air Plan/APCD Handbook
<input checked="" type="checkbox"/> Conservation & Open Space Element	<input checked="" type="checkbox"/> Regional Transportation Plan
<input type="checkbox"/> Economic Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input checked="" type="checkbox"/> Housing Element	<input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)
<input checked="" type="checkbox"/> Noise Element	<input checked="" type="checkbox"/> Archaeological Resources Map
<input type="checkbox"/> Parks & Recreation Element/Project List	<input checked="" type="checkbox"/> Area of Critical Concerns Map
<input checked="" type="checkbox"/> Safety Element	<input checked="" type="checkbox"/> Special Biological Importance Map
<input checked="" type="checkbox"/> Land Use Ordinance (Inland/Coastal)	<input checked="" type="checkbox"/> CA Natural Species Diversity Database
<input type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input checked="" type="checkbox"/> Public Facilities Fee Ordinance	<input checked="" type="checkbox"/> Flood Hazard Maps
<input type="checkbox"/> Real Property Division Ordinance	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County
<input checked="" type="checkbox"/> Affordable Housing Fund	<input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)
<input checked="" type="checkbox"/> Airport Land Use Plan	<input type="checkbox"/> Other
<input type="checkbox"/> Energy Wise Plan	
<input checked="" type="checkbox"/> North County Area Plan/Salinas River SA and Update EIR	

In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

An Archaeological Surface Survey at the Vina Robles Winery, Thor Conway, October 2, 2008.

Vina Robles Kit Fox Evaluation Verification, SWCA Environmental Consultants, November 26, 2013.

Vernal Pool Site Assessment at the proposed Vina Robles Winery, Althouse and Meade, Inc., June 26, 2009.

Vernal Pool Site Assessment – Revised Letter, Althouse and Meade, Inc., October 1, 2009.

Vernal Pool Site Assessment – Revised Letter, Althouse and Meade, Inc., April 29, 2014.

Vina Robles Winery Water Demand Management, Wallace Group, December 30, 2013.

## Exhibit B - Mitigation Summary Table

### Visual

- VS-1** At the time of application for construction permit, the applicant shall submit final architectural elevations of all proposed structures to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The elevations shall show exterior finish materials, colors, and height above the existing natural ground surface. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, grey, slate blue, or brown colors for the roof structures. All color selections shall fall within a "chroma" and "value" of 6 or less, as described in the Munsell Book of Color (review copy available at County, or go to internet website on topic such as: <http://www.it.lut.fi/ip/research/color/demonstration/demonstration.html>). Prior to final inspection or occupancy, whichever occurs first, the applicant shall provide verification to the satisfaction of the county that these measures have been met.
- VS-2** At the time of application for construction permits, the applicant shall submit a final landscape plan prepared by a qualified individual (e.g., arborist, landscape architect/contractor, nurseryman), the plans shall be drought-tolerant, low-water use species consistent with the surrounding natural vegetation. Italian cypress and lawn turf shall not be included in the landscape plan. The plan shall demonstrate screening partial screening of the winery structure and parking areas as seen from Union within five years. The final landscape plan shall also demonstrate revegetation and restoration of all disturbed slopes.
- VS-3** Prior to occupancy or final inspection, whichever occurs first, the applicant shall implement the final approved landscape plan. 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. All landscaping shall be maintained in viable condition in perpetuity.
- VS-4** At the time of application for construction permit(s), 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 nor the related reflector interior surface is visible from Union 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.

### Air Quality

- AQ-1** The following measures shall be incorporated into the construction phase of the project and shown on all applicable plans **prior to issuance of construction permits**:
- Reduce the amount of disturbed area where possible;
  - Use of 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 (nonpotable) water should be used whenever possible;
  - All dirt stock-pile areas should be sprayed daily as needed;
  - Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil

- disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating native grass seed and watered until vegetation is established;
  - f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
  - g. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
  - h. Vehicle speed for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site;
  - i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
  - j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site; and,
  - k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible.

**AQ-2** During construction, prior to operation of the following list of equipment (or similar equipment), the applicant shall contact the APCD to determine if an operating permit is necessary:

- a. Power screens, conveyors, diesel engines, and/or crushers
- b. Portable generators and equipment with engines that are 50 horsepower (hp) or greater
- c. IC engines

**AQ-3** Prior to commencement of construction activities, the applicant shall notify the APCD, by letter, that the above air quality mitigation measures have been applied.

**AQ-4** As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application.

**AQ-5** Upon application for construction permits for the wastewater treatment system and wine processing facility, the applicant shall submit plans incorporating the use of methods to minimize the creation of objectionable odors, which can occur due to anaerobic processes that mix with ambient air upon discharge of wastewater and handling of grape skins.

**AQ-6** Prior to operation of the facility, if the following list of equipment (or similar equipment) and/or activities is proposed, the applicant shall contact the APCD to determine if an operating permit is necessary:

- a. Portable generators and equipment with engines that are 40 hp or greater

- b. Chemical product processing and/or manufacturing
- c. Electrical generation plants or the use of a standby generator
- d. Food and beverage preparation (primarily coffee roasters)
- e. Boilers
- f. IC Engines
- g. Cogeneration facilities

### **Agricultural**

- AG-1** Upon application for construction permits, the applicant shall select one of the two options approved by the Agricultural Department for the location of the proposed waste water ponds (Option 1 or Option 2) and submit a revised site plan to the Planning Department that shows the new location of the proposed wastewater treatment pond, fire water storage pond, and treated effluent percolation/storage pond.
- AG-2** Upon application for construction permits, the site plan shall show parking spaces as required by ordinance; the number of parking spaces shall not exceed the amount required by ordinance.
- AG-3** Prior to issuance of construction permits, the applicant shall submit a landscape plan for review and approval by the Planning and Building Department. Plants used shall be from the county approved plant list and shall be drought tolerant and drip irrigated, consistent with other ordinance requirements.

### **Cultural Resources**

- CR-1** In the in the event archaeological resources are found on the site, construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered material may be recorded by a qualified archaeologist and artifacts may be preserved in accordance with state and federal law.
- CR-2** In the event archaeological resources are found to include human remains, the County Coroner shall be notified.

### **Biological Resources**

- BR-1** Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:
- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 9.2 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) (see contact information below) and the County.

This mitigation alternative (a.) requires that all aspects if this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy" (see contact information below), would total **\$69,000.00**. This fee is calculated based on the current cost-per-unit of **\$2500** per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; your actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase **27.6** credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c) above, can be completed by purchasing credits from the Palo Prieto Conservation Bank (see contact information below). The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank, and would total **\$69,000**. This fee is calculated based on the current cost-per-credit of **\$2500** per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. Your actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

**BR-2 Prior to issuance of grading and/or construction permits**, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the Planning and Building Department. The retained biologist shall perform the following monitoring activities:

- a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction**, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR-11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

- c. **Prior to or during project activities**, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determine it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures:

1. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
  - a) Potential kit fox den: 50 feet
  - b) Known or active kit fox den: 100 feet
  - c) Kit fox pupping den: 150 feet
2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

**BR-3 Prior to issuance of grading and/or construction permits**, the applicant shall clearly delineate as a note on the project plans, that: "*Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox.*" Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction**.

In addition, **prior to permit issuance and initiation of any ground disturbing activities**, conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

**BR-4 During the site disturbance and/or construction phase**, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

- BR-5 Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction,** all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.
- BR-6 During the site-disturbance and/or construction phase,** to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- BR-7 During the site-disturbance and/or construction phase,** any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- BR-8 During the site-disturbance and/or construction phase,** all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BR-9 Prior to, during and after the site-disturbance and/or construction phase,** use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- BR-10 During the site-disturbance and/or construction phase,** any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species

found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.

**BR-11 Prior to final inspection, or occupancy, whichever comes first,** should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:

- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
- b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

**BR-12 Prior to any work beginning,** should the project need to span the riparian corridor, or disturb any riparian habitat, the applicant understands that they will need to contact the following agencies to determine the need for other state or federal permits: California Department of Fish and Game, U.S. Fish & Wildlife Service, National Marine Fisheries Service, Army Corps of Engineers.

**BR-13 Any disturbed areas shall be restored as soon as possible, and prior to final inspection.** A compatible native seed mix shall be used to revegetate the restored area (see following list). The same revegetation treatment shall apply for any areas to be left undisturbed for greater than 30 days.

"RIPARIAN" SEED MIX

<u>Species</u>	<u># plants/ac</u>	<u>Source</u>
<i>Cornus stolonifera</i> (redtwig dogwood)	10	seeds, mostly cuttings
<i>Heteromeles arbutifolia</i> (toyon)	5	seeds, cuttings
<i>Lonicera involucrata</i> (honeysuckle)	10	seeds, mostly cuttings
<i>Mimulus guttatus</i> (common monkeyflower)	10	seeds, mostly cuttings
<i>Myrica californica</i> (Pacific wax myrtle)	5	seeds, mostly cuttings
<i>Platanus racemosa</i> (California sycamore)	10	seeds, mostly cuttings
<i>Populus trichocarpa</i> (black cottonwood)	10	seeds, mostly cuttings
<i>Pteridium aquilinum</i> (bracken fern)	10	cuttings
<i>Quercus agrifolia</i> (coast live oak)	5	seeds, cuttings
<i>Ribes menziesii</i> (canyon gooseberry)	6	seeds, mostly cuttings
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<i>Salix lasiolepis</i> (arroyo willow)	20	mostly cuttings
<i>Salvia spathecea</i> (pitcher sage)	12	seeds
<i>Sambucus mexicana</i> (blue elderberry)	5	seeds, mostly cuttings

- (1) This seed mix is intended to provide general guidelines when revegetating within riparian habitat. Variations of the mix may be appropriate, as recommended by the County Planning and Building Department or county-approved qualified individual, where unique biological conditions exist or seed availabilities are limited. When ordering, local seed stock should be specified and used whenever available.

## **Traffic**

**TR-1** Prior to issuance of building permits, the applicant shall be pay to the City of Paso Robles, traffic impact fees on the building permits in the amount of the fees in place, in the City, at the time the building permits are issued. The applicant shall submit to the County Planning and Building Department, proof that the said fees have been paid.

## **Water**

**W-1** Prior to final of building permits, the applicant shall provide evidence to the Planning and Building Department that a water off-set equivalent to 1.8 acre feet per year has been achieved within the Paso Robles Ground Water Basin. The water off-set can be provided by removing or converting existing irrigated crops within the Paso Robles Ground Water Basin owned by Vina Robles, or subsidiary corporation, to dry farm or by participation in an approved County water off-set program.

July 15, 2014

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The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

**Note:** The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

The following mitigation measures address impacts that may occur as a result of the development of the project.

**Visual**

**VS-1 At the time of application for construction permit,** the applicant shall submit final architectural elevations of all proposed structures to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The elevations shall show exterior finish materials, colors, and height above the existing natural ground surface. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, grey, slate blue, or brown colors for the roof structures. All color selections shall fall within a "chroma" and "value" of 6 or less, as described in the Munsell Book of Color (review copy available at County, or go to internet website on topic such as: <http://www.it.lut.fi/ip/research/color/demonstration/demonstration.html>). Prior to final inspection or occupancy, whichever occurs first, the applicant shall provide verification to the satisfaction of the county that these measures have been met.

**Monitoring:** Compliance will be verified by the Department of Planning and Building in consultation with the Environmental Coordinator.

**VS-2 At the time of application for construction permits,** the applicant shall submit a final landscape plan prepared by a qualified individual (e.g., arborist, landscape architect/contractor, nurseryman), the plans shall be drought-tolerant, low-water use species consistent with the surrounding natural vegetation. Italian cypress and lawn turf shall not be included in the landscape plan. The plan shall demonstrate screening partial screening of the winery structure and parking areas as seen from Union within five years. The final landscape plan shall also demonstrate revegetation and restoration of all disturbed slopes.

**Monitoring:** Compliance will be verified by the Department of Planning and Building in consultation with the Environmental Coordinator.

**VS-3 Prior to occupancy or final inspection**, whichever occurs first, the applicant shall implement the final approved landscape plan. 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. All landscaping shall be maintained in viable condition in perpetuity.

**Monitoring:** Compliance will be verified by the Department of Planning and Building.

**VS-4 At the time of application for construction permit(s)**, 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 nor the related reflector interior surface is visible from Union 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.

**Monitoring:** Compliance will be verified by the Department of Planning and Building.

### Air Quality

**AQ-1** The following measures shall be incorporated into the construction phase of the project and shown on all applicable plans **prior to issuance of construction permits**:

- 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. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
- c. All dirt stock-pile areas should be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating native grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or

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- wash off trucks and equipment leaving the site; and,
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible.

**Monitoring:** Compliance will be verified by the Department of Planning and Building.

**AQ-2** During construction, prior to operation of the following list of equipment (or similar equipment), the applicant shall contact the APCD to determine if an operating permit is necessary:

- a. Power screens, conveyors, diesel engines, and/or crushers
- b. Portable generators and equipment with engines that are 50 horsepower (hp) or greater
- c. IC engines

**Monitoring:** Compliance will be verified by APCD in consultation with the Department of Planning and Building.

**AQ-3** Prior to commencement of construction activities, the applicant shall notify the APCD, by letter, that the above air quality mitigation measures have been applied.

**Monitoring:** Compliance will be verified by APCD in consultation with the Department of Planning and Building.

**AQ-4** As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application.

**Monitoring:** Compliance will be verified by APCD in consultation with the Department of Planning and Building.

**AQ-5** Upon application for construction permits for the wastewater treatment system and wine processing facility, the applicant shall submit plans incorporating the use of methods to minimize the creation of objectionable odors, which can occur due to anaerobic processes that mix with ambient air upon discharge of wastewater and handling of grape skins.

**Monitoring:** Compliance will be verified by APCD in consultation with the Department of Planning and Building.

**AQ-6** Prior to operation of the facility, if the following list of equipment (or similar equipment) and/or activities is proposed, the applicant shall contact the APCD to determine if an operating permit is necessary:

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- a. Portable generators and equipment with engines that are 40 hp or greater
- b. Chemical product processing and/or manufacturing
- c. Electrical generation plants or the use of a standby generator
- d. Food and beverage preparation (primarily coffee roasters)
- e. Boilers
- f. IC Engines
- g. Cogeneration facilities

**Monitoring:** Compliance will be verified by APCD in consultation with the Department of Planning and Building.

### Agricultural

**AG-1 Upon application for construction permits,** the applicant shall select one of the two options approved by the Agricultural Department for the location of the proposed waste water ponds (Option 1 or Option 2) and submit a revised site plan to the Planning Department that shows the new location of the proposed wastewater treatment pond, fire water storage pond, and treated effluent percolation/storage pond.

**Monitoring:** Compliance will be verified by the Department of Planning and Building.

**AG-2 Upon application for construction permits,** the site plan shall show parking spaces as required by ordinance; the number of parking spaces shall not exceed the amount required by ordinance.

**Monitoring:** Compliance will be verified by the Department of Planning and Building.

**AG-3 Prior to issuance of construction permits,** the applicant shall submit a landscape plan for review and approval by the Planning and Building Department. Plants used shall be from the county approved plant list and shall be drought tolerant and drip irrigated, consistent with other ordinance requirements

**Monitoring:** Compliance will be verified by the Department of Planning and Building.

### Cultural Resources

**CR-1** In the in the event archaeological resources are found on the site, construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered material may be recorded by a qualified archaeologist and artifacts may be preserved in accordance with state and federal law.

**Monitoring:** Compliance will be verified by the Department of Planning and Building in consultation with the Environmental Coordinator.

**CR-2** In the event archaeological resources are found to include human remains, the County Coroner shall be notified.

**Monitoring:** Compliance will be verified by the Department of Planning and Building in consultation with the Environmental Coordinator.

### Biological Resources

**BR-1 Prior to issuance of grading and/or construction permits**, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of **9.2** acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) (see contact information below) and the County.

This mitigation alternative (a.) requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy" (see contact information below), would total **\$69,000.00**. This fee is calculated based on the current cost-per-unit of **\$2500** per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; your actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase **27.6** credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c) above, can be completed by purchasing credits from the Palo Prieto Conservation Bank (see contact information below). The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank, and would total **\$69,000**. This fee is calculated based on the

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current cost-per-credit of **\$2500** per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. Your actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

**Monitoring:** Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Division of Environmental and Resource Management.

**BR-2 Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the Planning and Building Department. The retained biologist shall perform the following monitoring activities:**

- a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.**
- b. **The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR-11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.**
- c. **Prior to or during project activities, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determine it is appropriate to resume work.**

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures:

1. **Within 30 days prior to initiation of site disturbance and/or construction,**

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fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

- a) Potential kit fox den: 50 feet
  - b) Known or active kit fox den: 100 feet
  - c) Kit fox pupping den: 150 feet
2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
  3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

**Monitoring:** Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Division of Environmental and Resource Management.

**BR-3 Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate as a note on the project plans, that: "Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox." Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction.**

In addition, prior to permit issuance and initiation of any ground disturbing activities, conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

**BR-4 During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.**

**BR-5 Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.**

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- BR-6** During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- BR-7** During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- BR-8** During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BR-9** Prior to, during and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- BR-10** During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.
- BR-11** Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:
- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the

ground than 12".

- b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

**Monitoring (San Joaquin Kit Fox Measures BR-3 – BR-11):** Compliance will be verified by the County Division of Environmental and Resource Management in consultation with the California Department of Fish and Game. As applicable, each of these measures shall be included on construction plans.

**BR-12 Prior to any work beginning,** should the project need to span the riparian corridor, or disturb any riparian habitat, the applicant understands that they will need to contact the following agencies to determine the need for other state or federal permits: California Department of Fish and Game, U.S. Fish & Wildlife Service, National Marine Fisheries Service, Army Corps of Engineers.

**Monitoring:** Compliance will be verified by the Department of Planning and Building.

**BR-13 Any disturbed areas shall be restored as soon as possible, and prior to final inspection.** A compatible native seed mix shall be used to revegetate the restored area (see following list). The same revegetation treatment shall apply for any areas to be left undisturbed for greater than 30 days.

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<u>Species</u>	<u># plants/ac</u>	<u>Source</u>
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**Monitoring:** Compliance will be verified by the Department of Planning and Building.

**Traffic**

**TR-1** Prior to issuance of building permits, the applicant shall pay to the City of Paso Robles, traffic impact fees on the building permits in the amount of the fees in place, in the City, at the time the building permits are issued. The applicant shall submit to the County Planning and Building Department, proof that the said fees have been paid.

**Monitoring:** Compliance will be verified by the Department of Planning and Building.

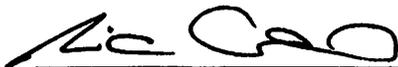
**Water**

**W-1** Prior to final of building permits, the applicant shall provide evidence to the Planning and Building Department that a water off-set equivalent to 1.8 acre feet per year has been achieved within the Paso Robles Ground Water Basin. The water off-set can be provided by removing or converting existing irrigated crops within the Paso Robles Ground Water Basin owned by Vina Robles, or subsidiary corporation, to dry farm or by participation in an approved County water off-set program.

**Monitoring:** Compliance will be verified by the Department of Planning and Building.

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The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.



July 16, 2014

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Signature of Owner(s)

Date

Hans - R. Michel  
Vina Robles, Inc.

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Name (Print)

## **Contact Information**

County of San Luis Obispo  
Department of Planning and Building  
Division of Environmental & Resource  
Mgmt  
County Government Center, Room 300  
San Luis Obispo, CA 93408  
ATTN: Mr. Rob Fitzroy  
(805) 781-5179  
E-mail: rfitzroy@co.slo.ca.us

California Department of Fish and Wildlife  
Central Region  
1234 East Shaw Avenue  
Fresno, CA 93710  
(559) 243-4005  
FAX (559) 243-4022  
(805) 772-4318

The Nature Conservancy  
ATTN: Tonja Glenn  
201 Mission Street, 4th Floor  
San Francisco, CA 94105  
(415) 281-0483

Palo Prieto Conservation Bank  
c/o Dan Meade  
Althouse & Meade, Inc.  
1875 Wellsona Road  
Paso Robles, CA 93446  
(805) 467-1041  
FAX (805) 467-1021  
E-mail: dan@alt-me.com

U.S. Fish and Wildlife Service  
Ventura Field Office  
P.O. Box 47  
Ventura, CA 93003  
(805) 644-1766