Negative Declaration & Notice Of Determination

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

ENVIRONMENTAL DETERMINATION NO. ED15-062 **DATE:** 12/30/2015

PROJECT/ENTITLEMENT: Merrill Conditional Use Permit (DRC2014-00004)

APPLICANT NAME: Dana Merrill-Pomar Junction Winery
ADDRESS: PO Box 789, Templeton, CA 93465
CONTACT PERSON: Kirk Consulting **Telephone:** 805-461-5765

PROPOSED USES/INTENT: A request by Dana Merrill of Pomar Junction Winery for a Conditional Use Permit (DRC2014-00004) to amend the existing winery operations/uses within existing and new structures to allow: 1) phased expansion of the existing winery (previously authorized under Minor Use Permit DRC2006-00249). Phase I consists of the conversion of two shop buildings to 2,700 square foot (sf) of barrel storage and construction of an expanded wastewater treatment facility (including 1,500 sf- wetlands system and 4,800-sf effluent storage pond). Phase II consists of the construction of a new 10,440-sf processing facility; 2) an increase to the existing special event program to allow 25 events with up to 200 people per year; and 3) a modification to the winery noise ordinance to allow outdoor amplified music past 5 pm.

LOCATION: The project is located at 5036 South El Pomar Road, 1,200 feet south of El Pomar Drive, 7 miles east of the community of Templeton. The site is in the El Pomar-Estrella sub area of the North County Planning Area.

LEAD AGENCY: **County of San Luis Obispo**
Dept of Planning & Building
976 Osos Street, Rm. 300
San Luis Obispo, CA 93408-2040
Website: http://www.sloplanning.org

STATE CLEARINGHOUSE REVIEW: YES ☒ **NO** ☐

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

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. (January 14, 2016)

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.

	Brandi Cummings		County of San Luis Obispo
Signature	**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 5.6) Using Form

Project Title & No. **Merrill Conditional Use Permit (ED15-062) DRC2014-00004**

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.

☐ Aesthetics	☐ Geology and Soils	☐ Recreation
☐ Agricultural Resources	☐ Hazards/Hazardous Materials	☐ Transportation/Circulation
☒ Air Quality	☐ Noise	☒ Wastewater
☒ Biological Resources	☐ Population/Housing	☐ Water /Hydrology
☐ Cultural Resources	☐ Public Services/Utilities	☐ 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.

Brandi Cummings	Brandi Cummings	12/17/15
Prepared by (Print)	Signature	Date
Steven McMasters	Ellen Carroll, Environmental Coordinator (for)	12/17/15
Reviewed by (Print)	Signature	Date

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

DESCRIPTION: A request by Dana Merrill of Pomar Junction Winery for a Conditional Use Permit (DRC2014-00004) to amend the existing winery operations/uses within existing and new structures to allow: 1) phased expansion of the existing winery (previously authorized under Minor Use Permit DRC2006-00249). Phase I consists of the conversion of two shop buildings to 2,700 square foot (sf) of barrel storage and construction of an expanded wastewater treatment facility (including 1,500 sf- wetlands system and 4,800-sf effluent storage pond). Phase II consists of the construction of a new 10,440-sf processing facility; 2) an increase to the existing special event program to allow 25 events with up to 200 people per year; and 3) a modification to the winery noise ordinance to allow outdoor amplified music past 5 pm.

The proposed project will result in the disturbance of approximately 60,000 sf on a 121 acre site. The proposed project is within the Agriculture land use category and is located at 5036 South El Pomar Road, approximately 7 miles east of the community of Templeton. The site is in the El Pomar-Estrella Sub area of the North County Planning Area.

BACKGROUND: Numerous wineries are located in the nearby vicinity including: Sarzotti, Victor Hugo, AmByth, Hidden Oak, Still Waters, Burbank Ranch, and Hanson. Of those, Hidden Oak Winery is authorized for up to two special events per year and Still Waters is authorized for up to six special events per year.

Pomar Junction previously received approval (Minor Use Permit DRC2006-00249) for phased construction as follows: Phase I - conversion of an existing residence to a 1,400-sf tasting room and administrative office, conversion of an existing shop to a 4,500-sf processing facility with crush area, removal of one agricultural shed, and construction of septic tank; Phase II - conversion of two shop buildings to 2,700 sf of barrel storage, and construction of an expanded wastewater treatment facility (including 1,500-squre foot wetlands system and 4,800-sf effluent storage pond); and Phase III - construction of a new 10,440-sf processing facility. An existing shed and residence would remain onsite; one shed would be removed.

Phase I was conditioned to be vested by 2015, Phase II was conditioned to be vested by 2015, and Phase III was conditioned to be vested by 2018. Phase I is complete with the finalization of construction permits PMT2008-00284 (tasting room) and PMT2008-00477 (processing facility and septic tank). No permits have been applied for or issued for the Phase II and Phase III projects, and Phase II will expire at the end of 2015. The currently proposed project would reauthorize the previously approved Phases II and III.

ASSESSOR PARCEL NUMBER(S): 033-291-048

Latitude: 35° 32' 46"N Longitude: -120° 37' 1" W **SUPERVISORIAL DISTRICT #** 5

B. EXISTING SETTING

PLAN AREA: North County **SUB**: El Pomar/Estrella **COMM:** Rural

LAND USE CATEGORY: Agriculture

COMB. DESIGNATION: None

PARCEL SIZE: 121.61acres

TOPOGRAPHY: Gently sloping

VEGETATION: Vineyards (95 acres), Grasses, Scattered Oaks

EXISTING USES: Agricultural uses

SURROUNDING LAND USE CATEGORIES AND USES:

North: Agriculture/Residential Rural; agricultural uses, single-family residence(s)	*East:* Agriculture; agricultural uses
South: Agriculture; vineyards	*West:* Agriculture; agricultural uses

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 *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Create an aesthetically incompatible site open to public view?	☐	☐	☒	☐
b) Introduce a use within a scenic view open to public view?	☐	☐	☒	☐
c) Change the visual character of an area?	☐	☐	☒	☐
d) Create glare or night lighting, which may affect surrounding areas?	☐	☐	☒	☐
e) Impact unique geological or physical features?	☐	☐	☒	☐
f) Other: _____	☐	☐	☐	☒

Setting. The project site is located on the southwest corner of El Pomar Drive and South El Pomar Road; the existing site access is 1,200 feet south of El Pomar Drive on South El Pomar Drive. The topography of the area consists of gently rolling hills. The surrounding area is dominated by vineyards, almond orchards, winery facilities, agricultural accessory uses, livestock grazing, and single-family residences.

The project site is currently developed and supports vineyards, olive orchards, a winery with onsite tasting room, a single-family residence, and water tanks. In addition, railroad cars are located onsite. The existing residence and water tanks are located on a knoll above the vineyards and winery structures, and are visible from South El Pomar Road along the property frontage. The winery buildings are located within an area that has been graded down approximately 20 feet in elevation below the knoll. The topography of the parcel is gently rolling, and existing structures are shielded from views along El Pomar Drive.

Impact. The proposed 10,400-sf processing facility would be 22.25 feet in height, with a five 2.75-foot tall cupolas, for a total height of 25 feet. The applicant also proposes to improve two existing agricultural roads for access.

The base elevation of the 10,400-sf facility would be 967 feet. The structure would be primarily obscured from views on El Pomar Drive by existing undulating topography to the north, east, and west, which rises in elevation to approximately 1,000 to 1,100 feet in elevation before sloping down to

the South El Pomar Drive roadway. The new facility would be intermittently visible from South El Pomar Road along the property frontage. The proposed conversions and new facilities would be aesthetically consistent with existing structures onsite and in the surrounding area. Implementation of the proposed project would not significantly alter existing views, and would not result in a significant visual impact.

Mitigation/Conclusion. No mitigation measures are necessary.

2. AGRICULTURAL RESOURCES *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Convert prime agricultural land, per NRCS soil classification, to non-agricultural use?	☐	☐	☒	☐
b) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?	☐	☐	☒	☐
c) Impair agricultural use of other property or result in conversion to other uses?	☐	☐	☒	☐
d) Conflict with existing zoning for agricultural use, or Williamson Act program?	☐	☐	☒	☐
e) Other: _____	☐	☐	☐	☒

Setting. The parcel is within the Agriculture land use category, and is enrolled in a Land Conservation (Williamson Act) contract. Surrounding properties to the north and west are also under contract. The property supports approximately 103 acres of vineyards. Agricultural roads traverse the property, providing access from South El Pomar Road to the residence, winery, and vineyards. Surrounding land uses include vineyards, almond orchards, livestock grazing, and equestrian uses.

The project site currently consists of an existing single family dwelling, tasting room, winery processing facility, agricultural accessory structures, and vineyards.

The soil types are as follows:

Linne-Calodo complex (9 - 30 % slope).

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

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

Lockwood-Concepcion complex (2 - 9% slope).

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

Concepcion. This gently 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: slow percolation. The soil is considered Class IV without irrigation and Class II when irrigated.

Lockwood-Concepcion complex (9 - 15 % slope).

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

Concepcion. This moderately 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: slow percolation. The soil is considered Class IV without irrigation and Class III when irrigated.

Impact. The applicant proposes phased expansion of the existing winery, which includes converting two existing shops to 2,700 sf of barrel storage, constructing a 10,400 square-foot (sf) wine processing facility, and constructing winery wastewater treatment facilities. Existing agricultural roads would be improved for access. Implementation of the project would impact approximately 6.5 acres of the 121-acre site, including 17,350 sf of structures for wine production and 690 sf for tasting and visitor serving areas. Maximum wine production is estimated to be 30,000 cases per year. The applicant is proposing to participate in ongoing wine industry events and to expand their previously approved special events program from 6 special events per year with up to 80 guests to 25 special events per year with 200 guests. The proposed project was referred to the County Agricultural Commissioner for review. The County Agricultural Commissioner's office determined that the project is consistent with the Agriculture and Open Space Element, and no significant adverse impacts to agricultural resources or operations would occur (Lynda L. Auchinachie, August 13, 2014). The County Agricultural Department supports water offset requirements through removal of nonagricultural water uses as identified by the Planning department (i.e. turf). The applicant is proposing to remove 10 irrigated, ornamental olive trees to meet the required offset.

Mitigation/Conclusion. No mitigation measures are necessary.

3. AIR QUALITY *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?	☐	☒	☐	☐
b) Expose any sensitive receptor to substantial air pollutant concentrations?	☐	☒	☐	☐
c) Create or subject individuals to objectionable odors?	☐	☒	☐	☐

3. AIR QUALITY *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
d) Be inconsistent with the District's Clean Air Plan?	☐	☐	☒	☐
e) 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?	☐	☒	☐	☐
GREENHOUSE GASES				
f) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
g) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐
h) Other: _____	☐	☐	☐	☒

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 CO2/year (MT CO2e/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 CO2e/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. The project will result in the disturbance of approximately 60,000 sf at project completion. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. In addition, the project would generate approximately 20 trips per day for wine tasting, and 3 trips per day for production activities. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan.

Phase I and Phase II (previously approved Phase II and Phase III) of the proposed project were referred to the APCD for review (Stacy Shull, August 1, 2007). APCD comments are incorporated into the discussion below.

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

Construction Permit Requirements. The use of portable equipment, 50 horsepower or greater, may require California statewide portable equipment registration or an APCD permit. Use of such equipment without required approval would result in a potentially significant impact.

Material-Containing Asbestos. Asbestos-containing materials could be encountered during the demolition and remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines. If asbestos is present in onsite structures, proposed demolition activities would result in a release of asbestos, and a potentially significant air quality impact.

Operational Phase Emissions. The APCD reviewed the operational impacts of the project using URBEMIS2007. Based on air quality modeling, operation of the project would generate 18 pounds of particulate matter per day, due to the generation of trips on unpaved dirt roads. APCD determined

that standard operation of the project would exceed the Tier I significance threshold (10 pounds/day) for particulate matter, and mitigation is required.

During special events (up to 200 persons in attendance), operational impacts would generate 31.07 pounds of particulate matter, and would exceed the Tier II significance threshold (25 pounds/day) for particulate matter.

Fugitive Dust (PM_{10}). Implementation of the proposed project would result in the generation of dust, potentially affecting local residents and businesses in close proximity to the project site. Dust complaints could result in violation of the APCD's nuisance rules, a potentially significant air quality impact.

Operational Permit Requirements. The use of operational equipment may require California statewide portable equipment registration or an APCD permit. Use of such equipment without required approval would result in a potentially significant impact.

Nuisance Odors. Operation of the wine processing facility and wastewater treatment ponds/wetlands may result in the generation of odors, potentially affecting residents and occupants in the area. The closest residence, not including the residence onsite, is approximately 1,200 feet east of the proposed wine processing facilities and 1,500 feet east of the proposed wastewater ponds/wetlands. Mitigation is recommended to minimize odor generation.

Greenhouse Gases. The APCD notes that greenhouse gases are generated during the wine fermentation process, and trips generated by the tasting facilities. The APCD staff considered the operational impact of the new tasting room and the proposed special events by running the URBEMIS2007 computer model, a tool for estimating vehicle travel, fuel use and the resulting emissions related to this project's land uses (Stacy Shull; personal communications, March 31, 2008). The findings showed that the APCD's threshold of significance of 10 lbs/day of fugitive dust would be exceeded if more than 23 round trips per day occur as a result of the tasting room activities and production operations.

Mitigation/Conclusion. Since the time of the ACPDs recommendations, many of the mitigation measures are required by ordinance or have been superseded. To mitigate for potential air quality impacts, the applicant has agreed to implement the following measures in addition to what is required by ordinance.

Construction Permit Requirements. The applicant has agreed to consult with the APCD regarding registration and permitting requirements for specific types of equipment.

Material-Containing Asbestos. Prior to demolition of onsite structures or underground pipes, the applicant has agreed to comply with the requirements listed in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – asbestos NESHAP). These requirements include, but are not limited to: 1) APCD notification; 2) completed asbestos survey conducted by a Certified Asbestos Inspector, and; 3) applicable removal and disposal requirements of identified asbestos-containing materials.

Operational Phase Emissions. To mitigate for operational phase emissions, the APCD recommends a maximum speed limit of 25 miles per hour. In addition, the use of CARB-certified dust suppressant is recommended within parking areas and on roads.

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

4. BIOLOGICAL RESOURCES

Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a loss of unique or special status species* or their habitats?	☐	☒	☐	☐
b) Reduce the extent, diversity or quality of native or other important vegetation?	☐	☒	☐	☐
c) Impact wetland or riparian habitat?	☐	☒	☐	☐
d) Interfere with the movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?	☐	☐	☒	☐
e) Conflict with any regional plans or policies to protect sensitive species, or regulations of the California Department of Fish & Wildlife or U.S. Fish & Wildlife Service?	☐	☐	☒	☐
f) Other: _____	☐	☐	☐	☒

*** Species – as defined in Section15380 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 following are existing elements on or near the proposed project relating to potential biological concerns:

On-site Vegetation: Agriculture - vineyards

Name and distance from blue line creek(s): One unnamed blueline creek runs through the property while another unnamed blueline creek runs along the southern parcel boundary.

Site's tree canopy coverage: Approximately 0%

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

Wildlife - None

Vegetation - None

Habitat - Valley Oak Woodland (low 10-33% density). Historically, the valley oak (*Quercus lobata*) was a prominent species in the Central Valley, but the most impressive displays are now found in valleys of the coast ranges, including the upper Salinas River drainage. Valley oaks, one of the "white oaks", are central to this habitat and are the monarch of California oaks by virtue of size, age and beauty, and may be the largest North American oak. The tree prefers rich bottomland and requires plenty of water, nutrients and deep, rich soils to thrive. Threats to this habitat are agricultural and residential conversion, as well as groundwater pumping that has lowered higher groundwater areas. Preferable elevations are below 2,000 feet, but it can be found as high as 5,600 feet.

The project site is dominated by agricultural and structural development. Five valley oak trees and one blue oak tree are located in the immediate vicinity of the area proposed for development. An unnamed blue-line creek traverses the project site. The creek has a defined bed and bank, and

supports riparian and wetland vegetation. The headwater of the creek starts immediately west of the existing agricultural road, and the creek flows to the northwest.

Impact. The applicant proposes a phased development, including the conversion of four existing structures to agricultural uses, construction of a new winery facility, and construction of wastewater treatment ponds. No direct disturbance to oak trees or creek habitat is proposed; however, indirect and inadvertent impacts may occur during construction activities.

Implementation of road improvements would result in grading activities within the root zone of one blue oak tree. Road improvements, construction of wastewater treatment ponds/wetlands, and grading activities upslope from the creek may result in the discharge of pollutants including sediment, hydrocarbons, and materials. Such discharges would degrade the creek habitat, and result in a potentially significant impact.

Mitigation/Conclusion. To avoid inadvertent impacts during construction activities, the applicant has agreed to implement creek protection measures and Best Management Practices (BMPs), including but not limited to: identification of the creek and associated riparian habitat as an Environmentally Sensitive Area (ESA); placement of temporary protection fencing at the limits of grading to minimize unnecessary disturbance; identification of material and equipment storage areas; implementation of a spill prevention and contingency plan; and, restoration of disturbed areas for long-term soil stabilization. In addition, the applicant would protect oak trees to remain onsite, and replant and maintain two oak trees to mitigate for potential impacts to one blue oak tree. Implementation of these measures would mitigate potential impacts to biological resources to less than significant.

5. CULTURAL RESOURCES *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Disturb archaeological resources?	☐	☐	☒	☐
b) Disturb historical resources?	☐	☐	☒	☐
c) Disturb paleontological resources?	☐	☐	☒	☐
d) Other: _____	☐	☐	☐	☒

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

The project site is located within the El Pomar region, and was part of the Eureka Rancho. The area historically supported orchards of nut and fruit trees. Six older structures are present onsite, including two residences, two garages, and two sheds.

Impact. The project is located in an area that may be considered culturally sensitive due to presence of physical features typically associated with prehistoric occupation. A Phase I (surface) survey was conducted (CRMS; 2008). No evidence of archaeological materials was noted on the property and impacts to paleontological resources are not expected. A historic structures assessment (CRMS; 2008) was prepared to determine if the onsite structures are historically significant.

The employee residence and garage to the east of the main house is a simple gable-ended structure sheathed in plywood, which has undergone significant modifications. These structures appear to have been constructed in the 1950s to 1960s. The applicant proposes to retain these structures as an employee residence and garage (CRMS; 2008).

Features of the shed to the south of the garage include un-painted board-and-batten sheathing on the south and west facades, re-sheathed horizontal painted clapboards on the north and east facades,

metal roof, and original knob-and-tube wiring. This shed was possibly constructed in the 1930s. This shed is proposed to remain onsite (CRMS; 2008).

Based on the historic structures assessment, the house, garage, and shed appear to be more than fifty years in age. These buildings "lack sufficient integrity of materials and of feeling and association to retain historical significance. They no longer bear much resemblance to the modest farm houses and out buildings that exemplified the development of the El Pomar area and orchards. Consequently no further mitigation with regard to the proposed project is recommended" (CRMS; 2008).

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

6. GEOLOGY AND SOILS *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?	☐	☐	☒	☐
b) Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone", or other known fault zones*?	☐	☐	☐	☒
c) 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?	☐	☐	☒	☐
d) Include structures located on expansive soils?	☐	☐	☒	☐
e) Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?	☐	☐	☒	☐
f) Preclude the future extraction of valuable mineral resources?	☐	☐	☒	☐
g) Other: _____	☐	☐	☐	☒

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

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

Topography: Gently rolling

Within County's Geologic Study Area?: No

Landslide Risk Potential: Moderate

Liquefaction Potential: Moderate

Nearby potentially active faults?: Yes Distance? 2 miles

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

Shrink/Swell potential of soil: Low to moderate

Other notable geologic features? None

Impact. As proposed, the entire project will result in the disturbance of approximately 60,000 sf, including road improvements. Erosion and down-gradient sedimentation may occur during construction activities.

The area proposed for development is outside the 100-year Flood Hazard designation. The closest creek (unnamed) runs through the subject property. As described in the Natural Resource Conservation Service Soil Survey (NRCS), the soil is considered very poor to well drained. For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO Sec. 22.52.080) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

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

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. Over one acre of site disturbance would occur, requiring the preparation of a SWPPP.

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

7. HAZARDS & HAZARDOUS MATERIALS - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) 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?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼-mile of an existing or proposed school?	☐	☐	☒	☐

7. HAZARDS & HAZARDOUS MATERIALS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
d) 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?	☐	☐	☒	☐
e) Impair implementation or physically interfere with an adopted emergency response or evacuation plan?	☐	☐	☒	☐
f) 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?	☐	☐	☒	☐
g) Increase fire hazard risk or expose people or structures to high wildland fire hazard conditions?	☐	☐	☒	☐
h) Be within a 'very high' fire hazard severity zone?	☐	☐	☒	☐
i) Be within an area classified as a 'state responsibility' area as defined by CalFire?	☐	☐	☒	☐
j) Other: _____	☐	☐	☐	☒

Setting. The project is not located in an area of known hazardous material contamination. With regards to potential fire hazards, the subject project is within a high Fire Hazard Severity Zone. Based on the County's fire response time map, it will take approximately 5-10 minutes to respond to a call regarding fire or life safety. Refer to the Public Services section for further discussion on Fire Safety impacts. The project is not within an Airport Review area.

Impact. The project does not propose the use of hazardous materials, nor the generation of hazardous wastes. 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 does not present a significant fire safety risk. The project is not expected to conflict with any regional emergency response or evacuation plan. The applicant is required to comply with all other standard regulations. Based on implementation of standard regulations, and compliance with standards, hazards and hazardous materials impacts would be less than significant.

Mitigation/Conclusion. No significant impacts as a result of hazards or hazardous materials are anticipated, and no mitigation measures are necessary.

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 not within close proximity of loud noise sources. 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. A Sound Level Assessment was prepared for this project (David Lord PhD, June 23, 2014). Existing sound level contours from traffic on South El Pomar Road are shown below in *Figure 1*. Existing sound level contours from visitors to the tasting room and voices in the parking lot, in addition to the traffic on South El Pomar Road are shown below in *Figure 2*. The nearest offsite residence is approximately 800 feet down-slope to the east. The project site and surrounding parcels are within the Agriculture land use category.

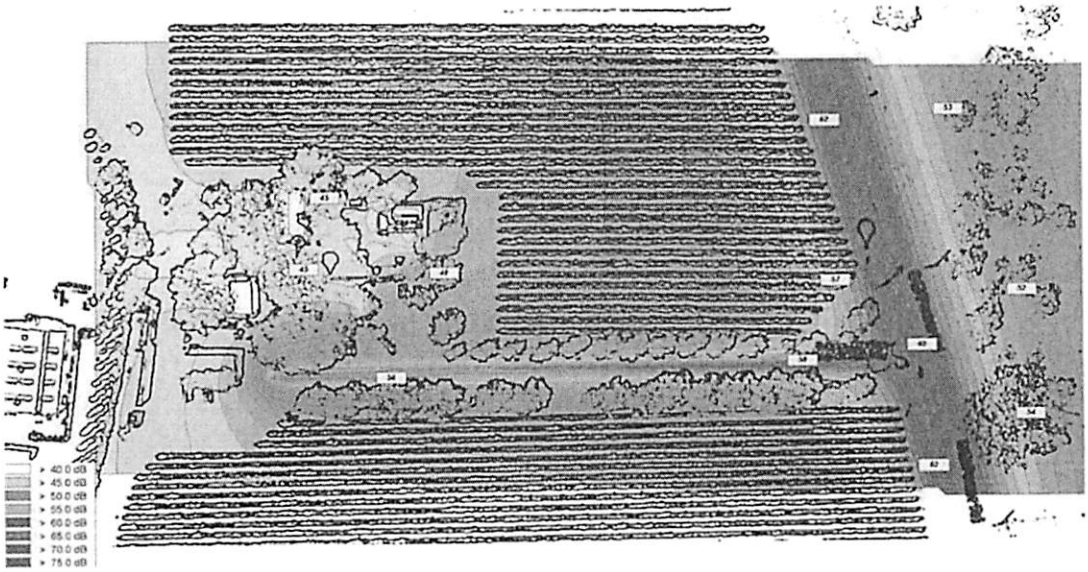


Figure 1: Existing sound level contours from traffic on South El Pomar Road (Lord, June 23, 2014)

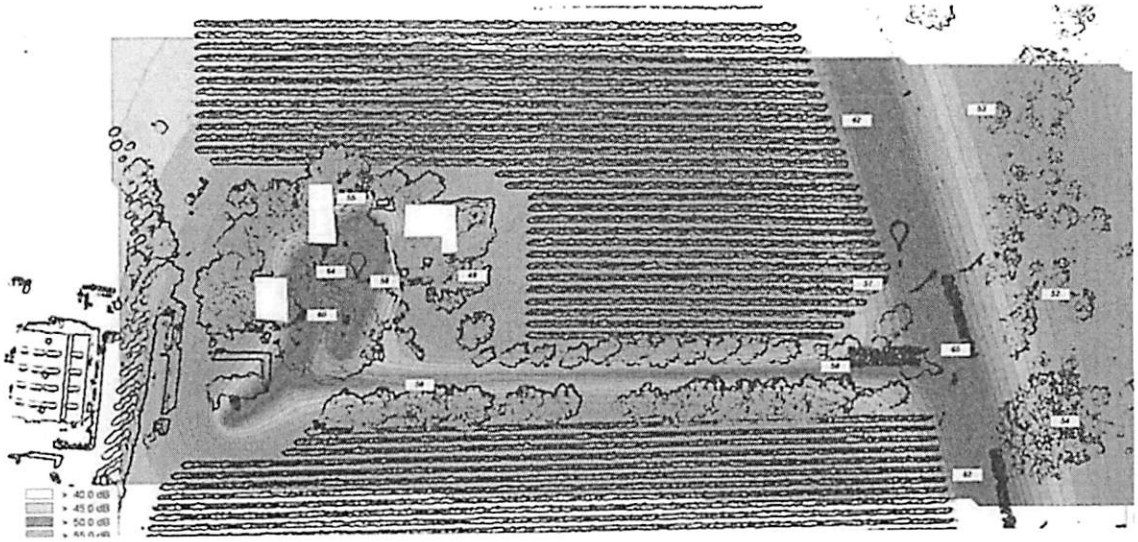


Figure 2: Sound level contours from traffic on South El Pomar Road and voices from people at the winery (Lord, June 23, 2014)

Impact. The applicant proposes to conduct 25 winery special events per year, with up to 200 people per event. Periodic industry-wide events (i.e., open house, winemaker dinners, etc.) are also proposed. Outdoor amplified music is proposed past 5:00 p.m. during special events. The existing and proposed music is located at the lawn area between the residence and tasting room, approximately 450 feet from the property line that fronts South El Pomar Road. The assessment cites normal amplified sounds as 90 dBA four feet in front of speakers, measured from similar events in the Paso Robles area, and maximum amplified sounds as 100 dBA four feet in front of speakers.

Figure 3 below depicts the sound level contours from traffic, visitors, and amplified music played at 90 dBA ("normal volume") four feet in front of the amplified music source (speakers). The 65 dBA contour line is 100 feet from the amplified music source and 380 feet from the property line.

Figure 4 below depicts the sound level contours from traffic, visitors, and amplified music played at 100 dBA ("exceptionally high") four feet in front of the amplified music source. The 65 dBA contour is 250 feet from the amplified music source and 230 feet from the property line.

Based on the distance between the event area and shared property line (500 feet), and nearest noise-sensitive land use (800 feet), noise thresholds would not be exceeded. The Sound Level Assessment found sound levels for the proposed project would not exceed the County daytime (7:00 a.m. to 10:00 p.m.) limits of 50 L_{eq} dB (hourly equivalent sound level) or 70 dB maximum, or the County nighttime (10:00 p.m. to 7:00 a.m.) limits of 45 Leq dB or 65 dB maximum, at the property lines.

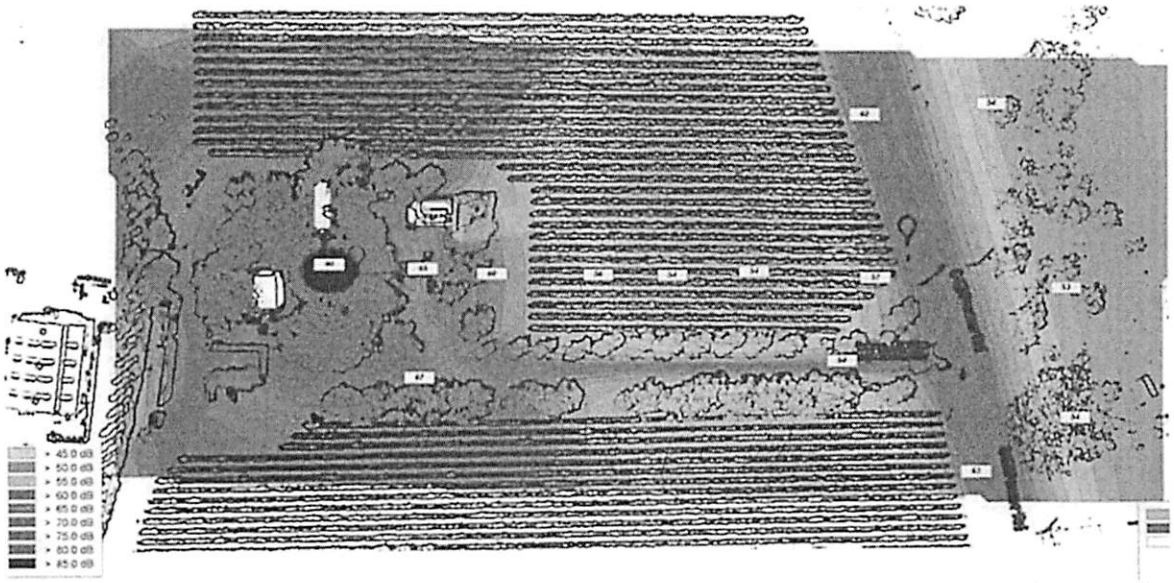


Figure 3: Sound level contours from traffic on South El Pomar Road, sounds from voices and sounds from amplified music (normal at 90 dBA, four feet in front of amplified sound source). (Lord, June 23, 2014)

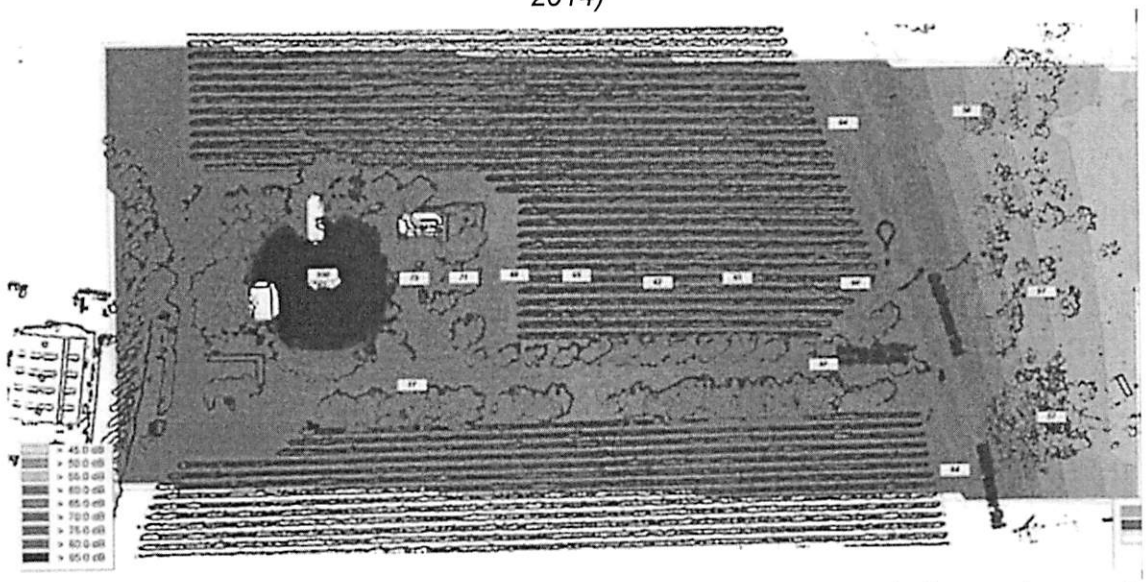


Figure 4: Sound level contours from traffic on South El Pomar Road, sounds from voices and sounds from amplified music (exceptionally high at 100 dBA, four feet in front of amplified sound source). (Lord, June 23, 2014)

Mitigation/Conclusion. 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) Induce substantial growth in an area either directly (e.g., construct new homes or businesses) or indirectly (e.g., extension of major infrastructure)?	☐	☐	☒	☐
b) Displace existing housing or people, requiring construction of replacement housing elsewhere?	☐	☐	☒	☐
c) Create the need for substantial new housing in the area?	☐	☐	☒	☐
d) Other: _____	☐	☐	☐	☒

Setting In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county. The County's Inclusionary Housing Ordinance requires provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions.

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

Mitigation/Conclusion. No significant population and housing impacts are anticipated. The project will mitigate its cumulative impact to the shortage of affordable housing stock by providing payment of the housing impact fee. No mitigation measures are necessary.

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) Fire protection?	☐	☐	☒	☐
b) Police protection (e.g., Sheriff, CHP)?	☐	☐	☒	☐
c) Schools?	☐	☐	☒	☐
d) Roads?	☐	☐	☒	☐
e) Solid Wastes?	☐	☐	☒	☐
f) Other public facilities?	☐	☐	☒	☐
g) Other: _____	☐	☐	☐	☐

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

Police: County Sheriff — Location: Templeton Approximately 7.2 miles west of the proposed project

Fire: Templeton — Hazard Severity: High — Response Time: 5-10 minutes

Location: Approximately 7.2 miles to the West

School District: Templeton 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/sheriff and fire protection, and schools. The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

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

11. RECREATION *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) *Increase the use or demand for parks or other recreation opportunities?*	☐	☐	☒	☐
b) *Affect the access to trails, parks or other recreation opportunities?*	☐	☐	☒	☐
c) *Other* _____	☐	☐	☐	☒

Setting. The County's Parks and Recreation Element shows that a potential trail corridor goes through the proposed project parcel. Based on the County Trails Map, the project is within reasonably close proximity to the Creston to Salinas River Trail.

Impact. As discussed in Section 9, Population and Housing, no additional population will be attracted to the county as a result of the project. The proposed project will not create a significant need for additional park, Natural Area, and/or recreational resources.

Per the Parks and Recreation Element (Chapter 3), a trail easement is not required as the project would not convert the existing production agriculture to land to uses not related to agriculture.

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

12. TRANSPORTATION/CIRCULATION *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) *Increase vehicle trips to local or areawide circulation system?*	☐	☐	☒	☐
b) *Reduce existing "Level of Service" on public roadway(s)?*	☐	☐	☒	☐

12. TRANSPORTATION/CIRCULATION *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) *Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?*	☐	☐	☒	☐
d) *Provide for adequate emergency access?*	☐	☐	☒	☐
e) *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.)?*	☐	☐	☒	☐
f) *Conflict with an applicable congestion management program?*	☐	☐	☒	☐
g) *Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?*	☐	☐	☒	☐
h) *Result in a change in air traffic patterns that may result in substantial safety risks?*	☐	☐	☒	☐
i) *Other:* _____	☐	☐	☐	☐

Setting. Future development will access onto the following public road: South El Pomar Road, which is a collector. The identified roadway is operating at an acceptable level. The County has established the acceptable Level of Service (LOS) on roads in rural areas as "C" or better. The Average Daily Traffic (ADT) is 760 (year counted - 2012) therefor the existing LOS is considered "A".

Circulation Study Area. The project is within the Templeton Area B Circulation Fee area. This fee provides the means to collect "fair share" monies from new development to help fund certain regional road improvements that will be needed once the area reaches "buildout". The project will be subject to this fee.

Impact. Based on information from the applicant, the previously authorized tasting room generates an estimated 20 trips per day on average and the production facility is estimated to generate up to 14 trips per week, on average, with an additional twenty trips per week during harvest/crush. This small amount of additional traffic will not result in a significant change to the existing road service or traffic safety levels. The applicant proposes to increase their special event program from 6 events with up to 80 guests to 25 per year with up to 200 guests. This would result in an additional 80 peak hour trips (pht). The proposed project was referred to County Public Works for review. Public Works responded with comments noting the applicant is required to: contribute to the Templeton Road Fee (Area B) and obtain an encroachment permit for driveway improvements (Glenn Marshall; May 28, 2015). The project does not conflict with adopted policies, plans and programs on transportation.

Mitigation/Conclusion. No project specific significant traffic impacts were identified, and no mitigation measures above what are already required by ordinance are necessary. Applicant will be required to participate in the Templeton Road Fee program which will mitigate cumulative area wide circulation impacts.

13. WASTEWATER

Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) *Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?*	☐	☒	☐	☐
b) *Change the quality of surface or ground water (e.g., nitrogen-loading, day-lighting)?*	☐	☒	☐	☐
c) *Adversely affect community wastewater service provider?*	☐	☐	☐	☒
d) *Other:* _____	☐	☐	☐	☐

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.

For on-site septic systems, there are several key factors to consider for a system to operate successfully, including the following:

- ✓ Sufficient land area (refer to County's Land Use Ordinance or Plumbing Code) – depending on water source, parcel size minimums will range from one acre to 2.5 acres;
- ✓ The soil's ability to percolate or "filter" effluent before reaching groundwater supplies (30 to 120 minutes per inch is ideal);
- ✓ The soil's depth (there needs to be adequate separation from bottom of leach line to bedrock [at least 10 feet] or high groundwater [5 feet to 50 feet depending on percolation rates]);
- ✓ The soil's slope on which the system is placed (surface areas too steep creates potential for daylighting of effluent);
- ✓ Potential for surface flooding (e.g., within 100-year flood hazard area);
- ✓ Distance from existing or proposed wells (between 100 and 250 feet depending on circumstances); and
- ✓ Distance from creeks and water bodies (100-foot minimum).

To assure a successful system can meet existing regulation criteria, proper conditions are critical. Above-ground conditions are typically straight-forward and most easily addressed. Below ground criteria may require additional analysis or engineering when one or more factors exist:

- ✓ the ability of the soil to "filter" effluent is either too fast (percolation rate is faster or less than 30 minutes per inch and has "poor filtering" characteristics) or is too slow (slower or more than 120 minutes per inch);
- ✓ the topography on which a system is placed is steep enough to potentially allow "daylighting" of effluent downslope; or

✓ the separation between the bottom of the leach line to bedrock or high groundwater is inadequate.

Based on Natural Resource Conservation Service (NRCS) Soil Survey map, the soil type(s) for the project is provided in the listed in the previous Agricultural Resource section. The main limitation(s) of this soil for wastewater effluent include: shallow depth to bedrock, steep slopes, and slow percolation.

--***shallow depth to bedrock***, which is an indication that there may not be sufficient soil depth to provide adequate soil filtering of effluent before reaching bedrock. Once effluent reaches bedrock, the chances increase for the effluent to infiltrate cracks that could lead directly to groundwater source or surrounding wells without adequate filtering, or allow for daylighting of effluent where bedrock is exposed to the earth's surface. To comply with the Basin Plan, additional information is needed prior to issuance of a building permit, such as borings at leach line locations, to show that there will be adequate separation between leach line and bedrock. If adequate distance cannot be shown, a County-approved plan for an engineered wastewater system showing how the basin plan criteria can be met will be required.

--***steep slopes***, where portions of the soil unit contain slopes steep enough to result in potential daylighting of wastewater effluent. To comply with the Basin Plan, additional information is needed prior to issuance of a building permit, such as slope comparison with leach line depths, to show that there is no potential of effluent daylighting to the ground surface. The areas proposed for wastewater treatment systems are level to gently sloping.

--***slow percolation***, where fluids will percolate too slowly through the soil for the natural processes to effectively break down the effluent into harmless components. The Basin Plan identifies the percolation rate should be greater than 30 and less than 120 minutes per inch. To achieve compliance with the Basin Plan, additional information will be needed prior to issuance of a building permit that shows the leach area can be adequately percolate to achieve this threshold. Based on the *Percolation Testing* repot (Buena Geotechnical Services, LLC; September 11, 2006), percolation rates range from 40 to 60 minutes per inch.

Impacts. The project proposes to use an on-site system as its means to dispose of wastewater. Existing systems would be used to treat domestic wastewater. Additional facilities are required to treat winery wastewater. Wastewater improvements would be phased. Phase I wastewater flow would be 960 gallons per day (gpd). In Phase I, the applicant proposes to construct two, lined wetland cells (4,500 cubic feet each) and a 4,000-cubic foot lined effluent storage pond to assist in the disposal of increased wastewater related to production. A pipeline would be constructed from the septic tank (which may be converted to a pump station), and would extend within the existing roadway to the ponds, avoiding creek habitat. The capacity of the pond would accommodate wastewater flow and direct rainfall; a berm would be constructed to divert stormwater away from the pond. Treated wastewater would be land applied pursuant to Regional Water Quality Control Board regulations.

Phase II peak wastewater would be 1,920 gpd. The proposed ponds for Phase II would be located approximately 35 feet (minimum) from the edge of riparian vegetation. According to the Basin Plan, a 100-foot minimum setback from watercourses is required. The applicant is required to submit revised plans with the construction permit that are in compliance with the Basin Plan.

Based on the above discussion and information provided, the site appears to be able to design an on-site system that will meet CPC/Basin Plan requirements. Prior to building permit issuance and/or final inspection of the wastewater system, the applicant will need to show to the county compliance with the CPC/Basin Plan, including any above-discussed information relating to potential constraints. Therefore, based on the project being able to comply with these regulations, potential groundwater quality impacts are considered less than significant.

Mitigation/Conclusion. Prior to construction permit issuance, the septic system will be evaluated in greater detail to insure compliance with the Basin Plan for any constraints listed above, and will not be approved if Basin Plan criteria cannot be met. The applicant is required, at a minimum, to submit

revised plans showing a 100-foot setback (minimum) from the creek. Based on the characteristics of the project site, no significant secondary impacts would occur as a result of the project revision.

14. WATER & HYDROLOGY

Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
QUALITY				
a) Violate any water quality standards?	☐	☐	☒	☐
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, sediment, temperature, dissolved oxygen, etc.)?	☐	☐	☒	☐
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	☐	☐	☒	☐
d) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide additional sources of polluted runoff?	☐	☐	☒	☐
e) Change rates of soil absorption, or amount or direction of surface runoff?	☐	☐	☒	☐
f) Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?	☐	☐	☒	☐
g) Involve activities within the 100-year flood zone?	☐	☐	☒	☐
QUANTITY				
h) Change the quantity or movement of available surface or ground water?	☐	☐	☒	☐
i) Adversely affect community water service provider?	☐	☐	☒	☐
j) Expose people to a risk of loss, injury or death involving flooding (e.g., dam failure,etc.), or inundation by seiche, tsunami or mudflow?	☐	☐	☐	☒
k) Other: _____	☐	☐	☐	☐

Setting.

The topography of the project is nearly level. The closest creek from the proposed development is approximately on site. As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility.

The project proposes to obtain its water needs from an on-site well.

The subject property is within the Paso Robles Ground Water Basin (PRGWB). The Paso Robles Ground Water Basin Resource Capacity Study (RCS) has found that the PRGWB's demand is approaching its safe yield. The RCS has also found that groundwater levels are generally dropping throughout the PRGWB, resulting in dry wells and causing property owners to drill deeper wells. On October 27, 2015, the San Luis Obispo County Board of Supervisors adopted Resolution 2015-0288. This resolution addresses new construction and new irrigated agriculture in the PRGWB. New construction in the PRGWB must offset water use at a 1:1 ratio. In addition, new and existing wells that serve new construction are required to have a well meter installed.

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

Within the 100-year Flood Hazard designation? No

Closest creek? Unnamed (2) Distance? One unnamed blueline creek runs through the property while another unnamed blueline creek runs along the southern parcel boundary.

Soil drainage characteristics: Well drained

For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO Sec. 22.52.110) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

SEDIMENTATION AND EROSION – 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 preparing a Storm Water Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion. The Regional Water Quality Control Board is the local extension who monitors this program. When work is done in the rainy season, the County's Land Use Ordinance requires that temporary erosion and sedimentation measures to be installed.

Impact – Water Quality/Hydrology

- ✓ Approximately 1.4 acres of site disturbance is proposed
- ✓ 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 one 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;
- ✓ All disturbed areas will be permanently stabilized with impermeable surfaces and landscaping;
- ✓ 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;

The proposed project is subject to the El Pomar – Estrella Planning Area Standards which state that new development requiring a discretionary use permit shall offset the net new water demand at a 2:1 ratio. Agricultural processing uses (wine processing) are exempt from the offset requirements. Additionally, Resolution 2015-288 will require the well for this project to be metered.

The applicant submitted a Water Offset Memorandum to determine the project's anticipated Special Events water use and to calculate the offset requirements (Wallace Group, July 7, 2014). The proposed special events will be catered and will utilize temporary portable restrooms. There is one existing ADA restroom on site that is available to guests on a limited basis. It is estimated that 20% of special events guest will use the ADA restroom, resulting in approximately 4,520 additional gallons of water use per year. The 2:1 offset would require 9,040 gallons of water, or approximately 0.028 acre-feet (Wallace Group, July 7, 2014).

The applicant is proposing to offset the new water demands by removing 10 onsite irrigated olive trees, ornamental in nature. Olive tree water consumption is estimated at 904 gallons per year per tree, or 0.03 AFY for 10 trees (Wallace Group, July 7, 2014).

Based on available water information, there are no known constraints to prevent the project from obtaining its water demands.

Impact – Drainage

The project will involve the construction of impervious surfaces which increase the volume of surface runoff generated by the site. Impervious surfaces will include buildings, an outdoor use area and walkways. With regards to project impacts on stormwater drainage the following conditions apply:

- ✓ 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;

Mitigation/Conclusion. No significant impacts were identified and the existing winery operation is compliance with existing regulations and requirements.

Standard drainage and erosion control measures, and implementation of a SWPPP will be required for the buildout of the existing winery and will provide measures to adequately protect surface water quality (refer to Section 6, Geology and Soils). In addition, the applicant has agreed to implement measures to protect the creek, which would provide additional protection of surface water quality (refer to Section 4, Biological Resources). The applicant is also required to comply with the Basin Plan regarding wastewater treatment and discharge, and would be required to redesign the project to ensure a minimum 100-foot buffer between the treatment ponds and creek (refer to Section 13, Wastewater). Implementation of these measures would mitigate potential impacts to less than significant, and no additional measures are necessary.

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, no significant impacts from water use are anticipated.

15. LAND USE

Will the project:	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) 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?	☐	☐	☒	☐
b) Be potentially inconsistent with any habitat or community conservation plan?	☐	☐	☒	☐
c) Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?	☐	☐	☒	☐
d) Be potentially incompatible with surrounding land uses?	☐	☐	☒	☐
e) Other: _____	☐	☐	☐	☐

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

The proposed project is subject to the following Planning Area Standard(s) as found in the County's LUO:

1. LUO Section 22.94 North County Planning Area
2. LUO Section 22.94.040 El Pomar –Estrella Sub Area

As discussed in Section 13 (Wastewater), the project as proposed is not consistent with the Basin Plan. The applicant is required to locate the wastewater treatment ponds a minimum of 100 feet from any watercourse.

Mitigation/Conclusion. The applicant has agreed to redesign the project to ensure a 100-foot setback from the creek; no additional measures are necessary.

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?	☐	☒	☐	☐
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)	☐	☒	☐	☐
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

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

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:

Contacted	Agency	Response
☒	County Public Works Department	**Attached**
☒	County Environmental Health Services	**None**
☒	County Agricultural Commissioner's Office	**Attached**
☐	County Airport Manager	**Not Applicable**
☐	Airport Land Use Commission	**Not Applicable**
☒	Air Pollution Control District	**In File****
☐	County Sheriff's Department	**Not Applicable**
☐	Regional Water Quality Control Board	**Not Applicable**
☐	CA Coastal Commission	**Not Applicable**
☐	CA Department of Fish and Wildlife	**Not Applicable**
☒	CA Department of Forestry (Cal Fire)	**None**
☐	CA Department of Transportation	**Not Applicable**
☐	Community Services District	**Not Applicable**
☒	Other Templeton Area Advisory Group	**None**
☒	Other Agricultural Preserve Review Committee	**None**

*** "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.

☒ Project File for the Subject Application

County documents

- ☐ Coastal Plan Policies
- ☒ Framework for Planning (Coastal/Inland)
- ☒ General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:
  - ☒ Agriculture Element
  - ☒ Conservation & Open Space Element
  - ☐ Economic Element
  - ☒ Housing Element
  - ☒ Noise Element
  - ☒ Parks & Recreation Element/Project List
  - ☒ Safety Element
- ☒ Land Use Ordinance (Inland/Coastal)
- ☒ Building and Construction Ordinance
- ☒ Public Facilities Fee Ordinance
- ☐ Real Property Division Ordinance
- ☒ Affordable Housing Fund
- ☐ Airport Land Use Plan
- ☐ Energy Wise Plan
- ☒ El Pomar/Estrella Area Plan EIR
- ☐ Design Plan
- ☐ Specific Plan
- ☒ Annual Resource Summary Report
- ☐ Circulation Study

Other documents

- ☒ Clean Air Plan/APCD Handbook
- ☒ Regional Transportation Plan
- ☒ Uniform Fire Code
- ☒ Water Quality Control Plan (Central Coast Basin – Region 3)
- ☒ Archaeological Resources Map
- ☒ Area of Critical Concerns Map
- ☒ Special Biological Importance Map
- ☒ CA Natural Species Diversity Database
- ☒ Fire Hazard Severity Map
- ☒ Flood Hazard Maps
- ☒ Natural Resources Conservation Service Soil Survey for SLO County
- ☒ GIS mapping layers (e.g., habitat, streams, contours, etc.)
- ☐ Other

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

Percolation Testing, Buena Geotechnical Services, LLC., September 11, 2006.

A Phase I Archaeological Survey and Historic Structures Assessment, CRMS, March 19, 2008.

Pomar Junction Water Offset Memorandum, Wallace Group, July 7, 2014.

Sound Level Assessment, David Lord PhD, June 23, 2014.

Exhibit B - Mitigation Summary Table

Per Public Resources Code Section 21081.6, the following measures also constitute the mitigation monitoring and/or reporting program that will reduce potentially significant impacts to less than significant levels. These measures will become conditions of approval (COAs) should the project be approved. The Lead Agency (County) or other Responsible Agencies, as specified in the following measures, are responsible to verify compliance with these COAs.

Air Quality

AQ-1 Proposed demolition activities can result in potentially negative air quality impacts, especially where material exists containing asbestos material. Prior to issuance of any construction permit to remove or demolish any buildings or utility pipes on the subject property, the applicant shall provide evidence they have contacted APCD to determine: a) what regulatory jurisdictions apply to the proposed demolition, such as the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – Asbestos NESHAP); b) District notification requirements; c) the need for an asbestos survey conducted by Certified Asbestos Inspector; and d) applicable removal and disposal requirements of the asbestos-containing material.

AQ-2 Prior to construction permit issuance, the applicant shall provide evidence they have contacted APCD on any proposed portable equipment requiring APCD or CARB registration, such as: 50-hp portable generators, IC engines, unconfined abrasive blasting operations, concrete batch plants, rock and pavement crushing, tub grinders, trammel screens, etc. Should any of these types of equipment be used during construction activities California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit may be required.

AQ-3 Prior to construction permit issuance, the applicant shall submit plans demonstrating design standards to ensure vehicle speeds do not exceed 25 miles per hour on primary and secondary access roads. Prior to final inspection, the applicant shall post maximum speed limits signs of 25 miles per hour on proposed access roads. For the life of the project, the applicant shall use a California Air Resources Board (CARB) certified dust suppressant on access roads and parking areas.

Biological Resources

BR-1 **Prior to issuance of construction permits**, the "Project Limits" shall be clearly delineated on all construction plans. Prior to any construction work beginning, including any vegetation clearing, where creek habitat has been identified, sturdy high-visibility fencing shall be installed to protect this habitat. This fencing shall be placed a minimum of 100 feet from the edge of identified riparian habitat with the exception of the existing agricultural road proposed for improvement. Fencing shall be placed at the edge of the road, between the road and riparian habitat. No construction work (including storage of materials) shall occur outside of the "Project Limits". Any required fencing shall remain in place during the entire construction period and checked and repaired as needed by the resident engineer. **Prior to final inspection or occupancy**, whichever occurs first, the applicant shall provide verification to the satisfaction of the county that no disturbance occurred outside of the approved "project limits" line.

BR-2 **At the time of application for construction permits,** the applicant shall clearly show on the project plans all trees within 50 feet of construction activities. No oak trees shall be removed. The project plans shall also show the type and location of tree protection measures to be employed. All trees to remain on-site that are within fifty feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone fenced **prior to**

any grading. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface. **Prior to final inspection or occupancy**, whichever occurs first, the applicant shall provide verification to the satisfaction of the county that the above measures were incorporated into the project.

BR-3 **Prior to final inspection,** the applicant shall replace, in kind at a 2:1 ratio for each oak tree impacted but not removed. No oak trees shall be removed as a result of the development of the project. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer). Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines).

These newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding (minimum of once early Fall and once early Spring) of at least a three-foot radius out from plant and adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three-year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.

BR-4 The applicant recognizes that trimming of oaks can be detrimental in the following respects and agrees to minimize trimming of the remaining oaks: removal of larger lower branches should be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs", 2) reduce having larger limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain the wildlife that is found only in the lower branches, 4) retains shade to keep summer temperatures cooler (retains higher soil moisture, greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree. Limit the amount of trimming (roots or canopy) done in anyone season as much as possible to limit tree stress/shock (10% or less is best, 25% maximum). Excessive and careless trimming not only reduces the potential life of the tree, but can also reduce property values if the tree dies prematurely or has an unnatural appearance. If trimming is necessary, the applicant agrees to either use a skilled arborist or apply accepted arborist's techniques when removing limbs. Unless a hazardous or unsafe situation exists, trimming shall be done only during the winter for deciduous species. Smaller trees (smaller than 5 inches in diameter at four feet above the ground) within the project area are considered to be of high importance, and when possible, shall be given similar consideration as larger trees.

BR-5 **During construction and ground disturbing activities,** all refueling, maintenance, and staging of equipment and vehicles will occur at least 100 feet from riparian habitat or water bodies and not in a location from where a spill would drain directly toward aquatic habitat. **Prior to commencement of grading/construction activities,** the applicant will ensure that a plan is in place for prompt and effective response to any accidental spills. All workers will be informed of the importance of preventing spills and of the appropriate measures to take should

a spill occur.

BR-6 **Prior to issuance of construction permit(s)**, sedimentation and erosion control plans shall be submitted using Best Management Practices to minimize sediment from entering nearby water bodies or prominent drainage courses.

BR-7 **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. When such permits are required, any applicable requirement shall be shown on applicable construction plans and adhered to during construction.

BR-8 **Prior to commencement of grading activities**, work area boundaries shall be clearly staked in a manner that all construction work shall avoid the creek and associated riparian vegetation.

BR-9 **Prior to issuance of construction permits**, a hazardous materials spill response plan shall be developed and submitted to the county for county approval.

Wastewater

WW-1 Prior to issuance of construction permits, the applicant shall submit revised plans showing a minimum 100-foot setback from the edge of riparian vegetation to the proposed wetland cells and effluent storage pond.

WW-2 Prior to issuance of construction permits for each phase of development, the applicant shall submit documentation of a waste discharge permit issued by the Regional Water Quality Control Board

Environmental Determination: ED15-062

Date: December 14, 2015
Revised: _____

DEVELOPER'S STATEMENT FOR MERRILL PROPERTIES, LLC / CONDITIONAL USE PERMIT; DRC2014-00004

The applicant agrees to incorporate the following measures into the project. These measures become a part to the project description and therefore become a part of the record of action upon which the environmental determination is based. All construction/grading 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.

AIR QUALITY

AQ-1 Proposed demolition activities can result in potentially negative air quality impacts, especially where material exists containing asbestos material. **Prior to issuance of any construction permit to remove or demolish any buildings or utility pipes on the subject property**, the applicant shall provide evidence they have contacted APCD to determine: a) what regulatory jurisdictions apply to the proposed demolition, such as the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – Asbestos NESHAP); b) District notification requirements; c) the need for an asbestos survey conducted by Certified Asbestos Inspector; and d) applicable removal and disposal requirements of the asbestos-containing material.

AQ-2 **Prior to construction permit issuance**, the applicant shall provide evidence they have contacted APCD on any proposed portable equipment requiring APCD or CARB registration, such as: 50-hp portable generators, IC engines, unconfined abrasive blasting operations, concrete batch plants, rock and pavement crushing, tub grinders, trammel screens, etc. Should any of these types of equipment be used during construction activities California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit may be required.

AQ-3 **Prior to construction permit issuance**, the applicant shall submit plans demonstrating design standards to ensure vehicle speeds do not exceed 25 miles per hour on unpaved primary and secondary access roads. Prior to final inspection, the applicant shall post maximum speed limits signs of 25 miles per hour on proposed access roads. For the life of the project, the applicant shall use a California Air Resources Board (CARB) certified dust suppressant on access roads and parking areas.

Monitoring: The Planning and Building Department shall verify required elements on plans, and shall verify compliance in the field in consultation with the APCD.

BIOLOGICAL RESOURCES

BR-1 **Prior to issuance of construction permits**, the "Project Limits" shall be clearly delineated on all construction plans. Prior to any construction work beginning, including

any vegetation clearing, where creek habitat has been identified, sturdy high-visibility fencing shall be installed to protect this habitat. This fencing shall be placed a minimum of 100 feet from the edge of identified riparian habitat with the exception of the existing agricultural road proposed for improvement. Fencing shall be placed at the edge of the road, between the road and riparian habitat. No construction work (including storage of materials) shall occur outside of the "Project Limits". Any required fencing shall remain in place during the entire construction period and checked and repaired as needed by the resident engineer. **Prior to final inspection or occupancy**, whichever occurs first, the applicant shall provide verification to the satisfaction of the county that no disturbance occurred outside of the approved "project limits" line.

Monitoring: The Planning and Building Department shall verify required elements on plans and shall verify compliance in the field.

BR-2 **At the time of application for construction permits,** the applicant shall clearly show on the project plans all trees within 50 feet of construction activities. No oak trees shall be removed. The project plans shall also show the type and location of tree protection measures to be employed. All trees to remain on-site that are within fifty feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone fenced **prior to any grading**. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface. **Prior to final inspection or occupancy**, whichever occurs first, the applicant shall provide verification to the satisfaction of the county that the above measures were incorporated into the project.

Monitoring: The Planning and Building Department shall verify required elements on plans and receipt of verification letter, and shall verify compliance in the field.

BR-3 **Prior to final inspection,** the applicant shall replace, in kind at a 2:1 ratio for each oak tree impacted but not removed. No oak trees shall be removed as a result of the development of the project. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer). Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines).

These newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding (minimum of once early Fall and once early Spring) of at least a three-foot

radius out from plant and adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three-year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.

Monitoring: The Planning and Building Department shall verify compliance.

BR-4 The applicant recognizes that trimming of oaks can be detrimental in the following respects and agrees to minimize trimming of the remaining oaks: removal of larger lower branches should be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs", 2) reduce having larger limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain the wildlife that is found only in the lower branches, 4) retains shade to keep summer temperatures cooler (retains higher soil moisture, greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree. Limit the amount of trimming (roots or canopy) done in anyone season as much as possible to limit tree stress/shock (10% or less is best, 25% maximum). Excessive and careless trimming not only reduces the potential life of the tree, but can also reduce property values if the tree dies prematurely or has an unnatural appearance. If trimming is necessary, the applicant agrees to either use a skilled arborist or apply accepted arborist's techniques when removing limbs. Unless a hazardous or unsafe situation exists, trimming shall be done only during the winter for deciduous species. Smaller trees (smaller than 5 inches in diameter at four feet above the ground) within the project area are considered to be of high importance, and when possible, shall be given similar consideration as larger trees.

Monitoring: The Planning and Building Department shall verify compliance.

BR-5 **During construction and ground disturbing activities,** all refueling, maintenance, and staging of equipment and vehicles will occur at least 100 feet from riparian habitat or water bodies and not in a location from where a spill would drain directly toward aquatic habitat. **Prior to commencement of grading/construction activities,** the applicant will ensure that a plan is in place for prompt and effective response to any accidental spills. All workers will be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

Monitoring: The Planning and Building Department shall verify required elements on plans and shall verify compliance in the field.

BR-6 **Prior to issuance of construction permit(s)**, sedimentation and erosion control plans shall be submitted using Best Management Practices to minimize sediment from entering nearby water bodies or prominent drainage courses.

> **Monitoring:** The Planning and Building Department shall verify receipt of required plans and shall verify compliance in the field.

BR-7 **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. When such permits are required, any applicable requirement shall be shown on applicable construction plans and adhered to during construction.

> **Monitoring:** The Planning and Building Department shall verify required documentation.

BR-8 **Prior to commencement of grading activities**, work area boundaries shall be clearly staked in a manner that all construction work shall avoid the creek and associated riparian vegetation.

> **Monitoring:** The Planning and Building Department shall verify required elements on plans and shall verify compliance in the field.

BR-9 **Prior to issuance of construction permits**, a hazardous materials spill response plan shall be developed and submitted to the county for county approval.

> **Monitoring:** The Planning and Building Department shall verify receipt of required documentation and compliance in the field.

WASTEWATER

WW-1 **Prior to issuance of construction permits**, the applicant shall submit revised plans showing a minimum 100-foot setback from the edge of riparian vegetation to the proposed wetland cells and effluent storage pond.

> **Monitoring:** The Planning and Building Department shall verify required elements on plans and shall verify compliance in the field.

Environmental Determination: ED15-062 Date: December 14, 2015
Revised: _____

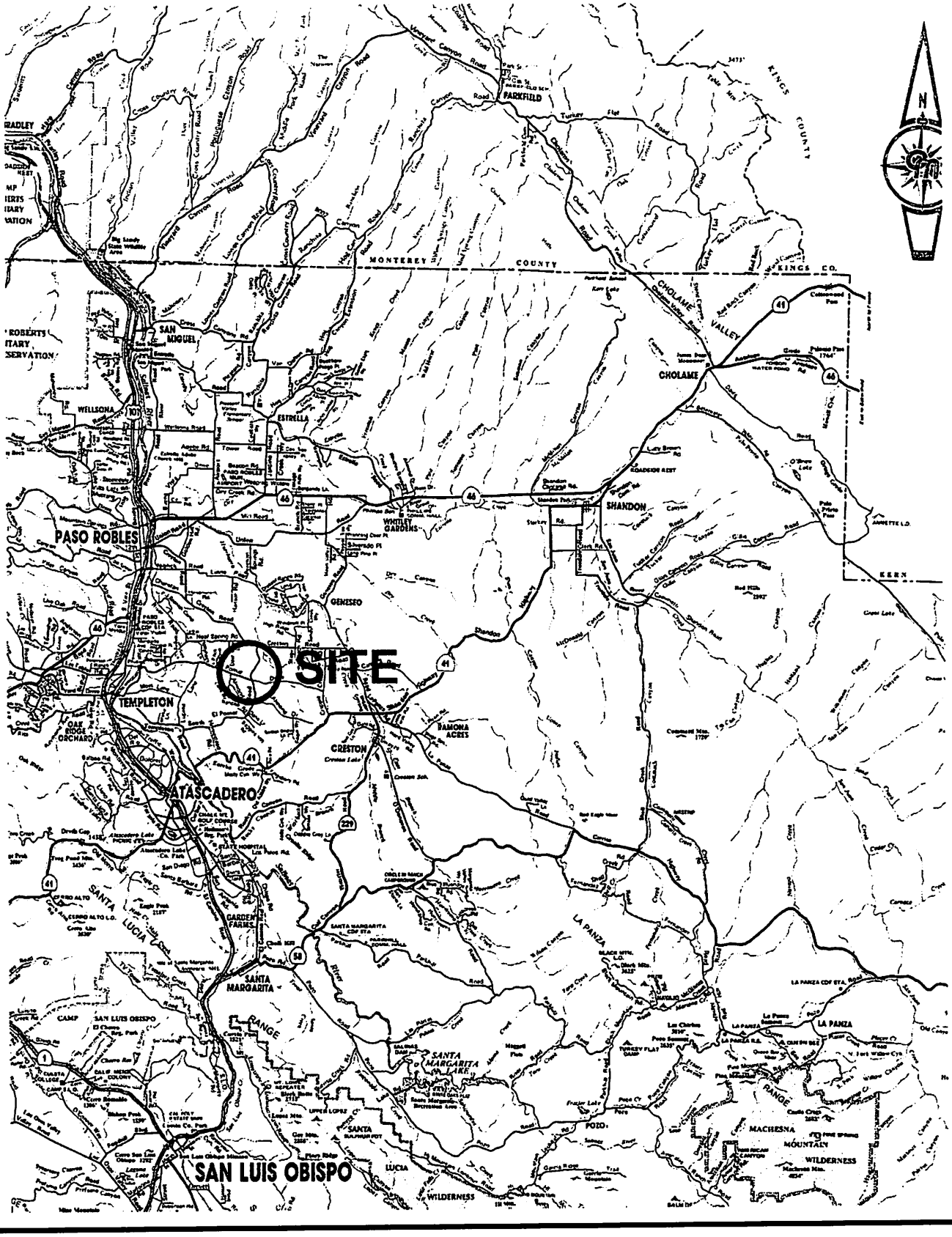
WW-2 Prior to issuance of construction permits for each phase of development, the applicant shall submit documentation of a waste discharge permit or waiver issued by the Regional Water Quality Control Board.

Monitoring: The Planning and Building Department shall verify receipt of required documentation and compliance in the field.

The applicant understands that any changes made to the project 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.

Signature of Owner(s) Date 12/16/15

DAWA M. MERRILL
Name (Print)



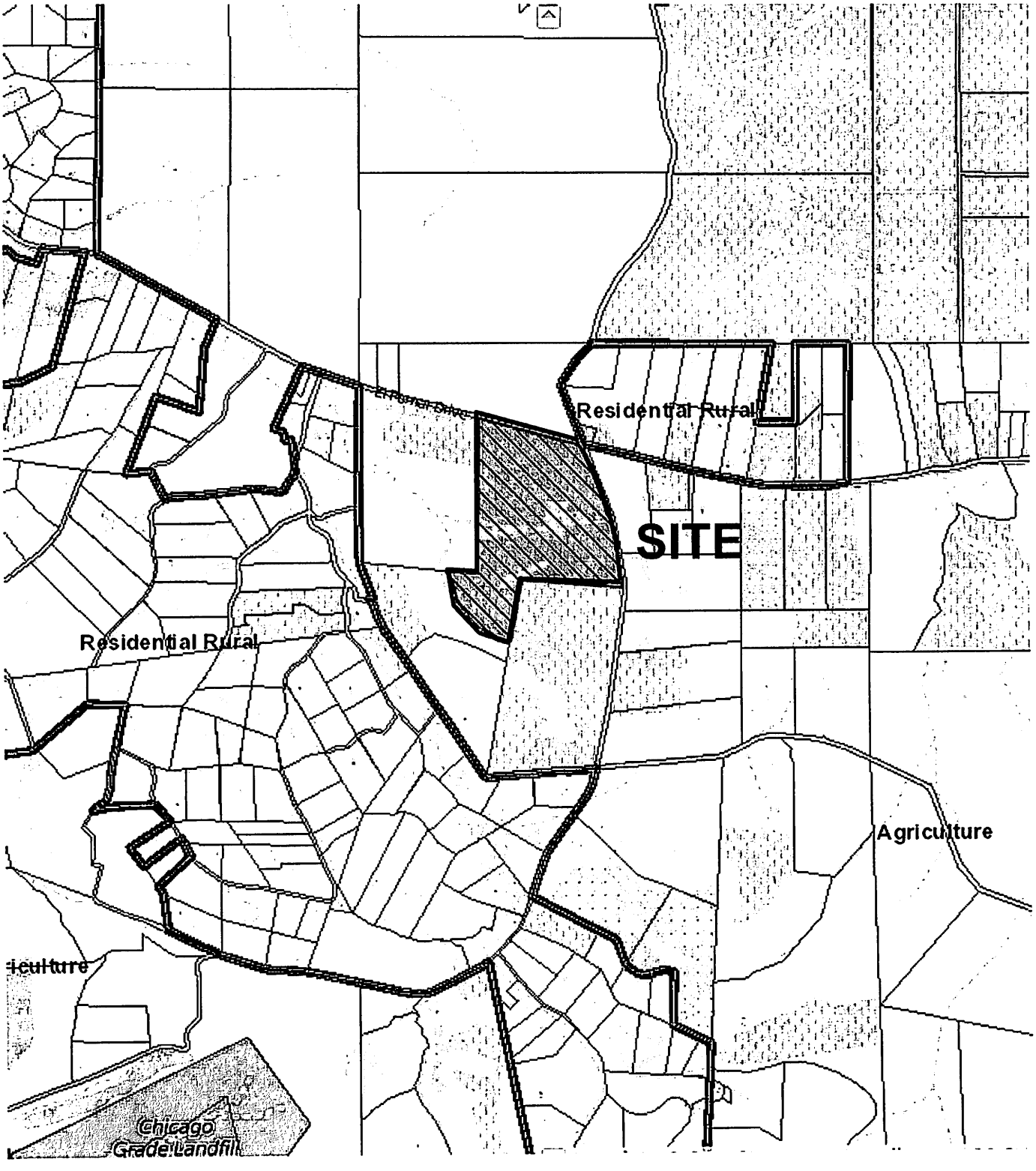
PROJECT

Merrill Conditional Use Permit
DRC2014-00004

EXHIBIT

Vicinity Map

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

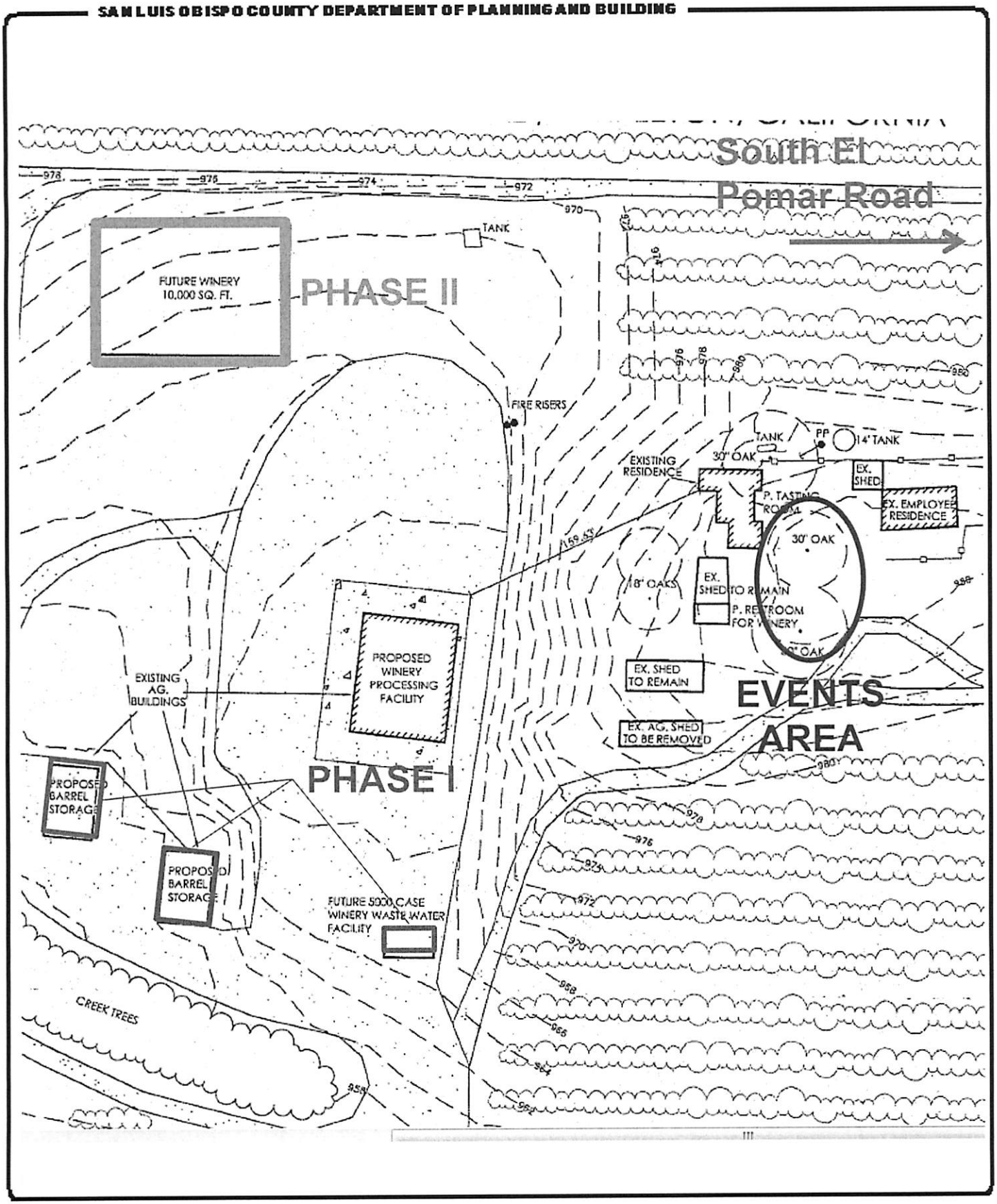


PROJECT

Merrill Conditional Use Permit
DRC2014-00004

EXHIBIT

Land Use Category Map

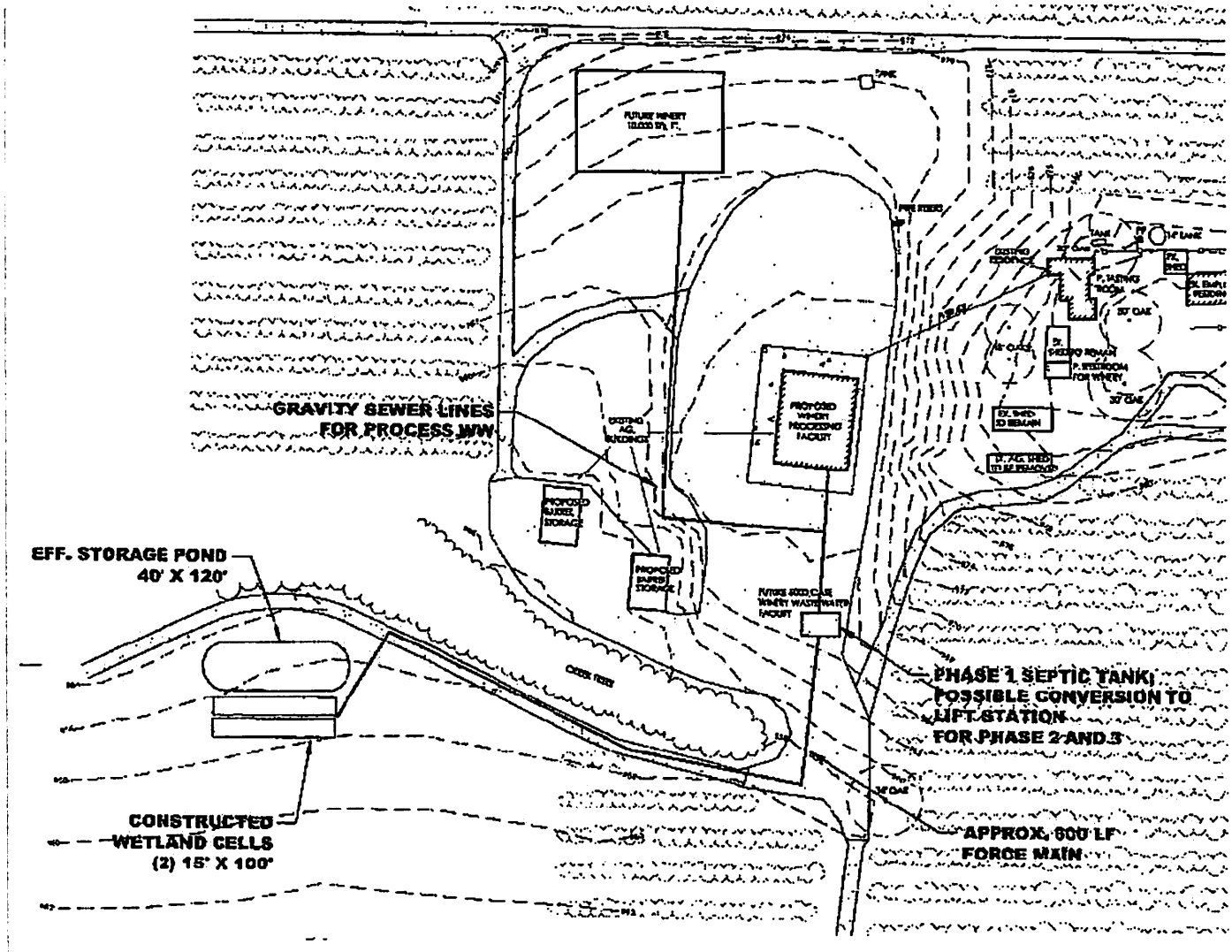


PROJECT

Merrill Conditional Use Permit
DRC2014-00004

EXHIBIT

Site Plan

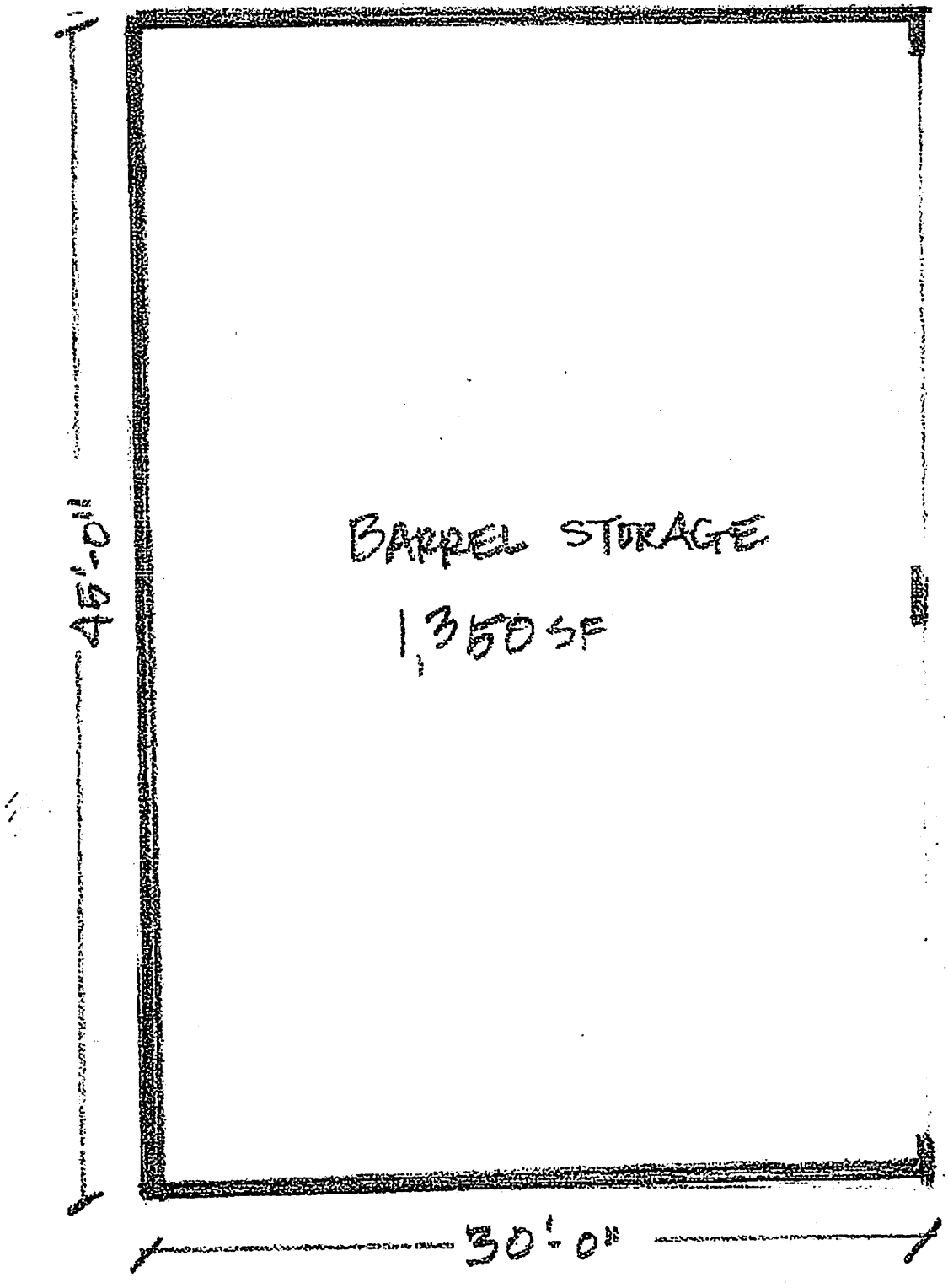


PROJECT

Merrill Conditional Use Permit
DRC2014-00004

EXHIBIT

Wastewater Treatment Plan

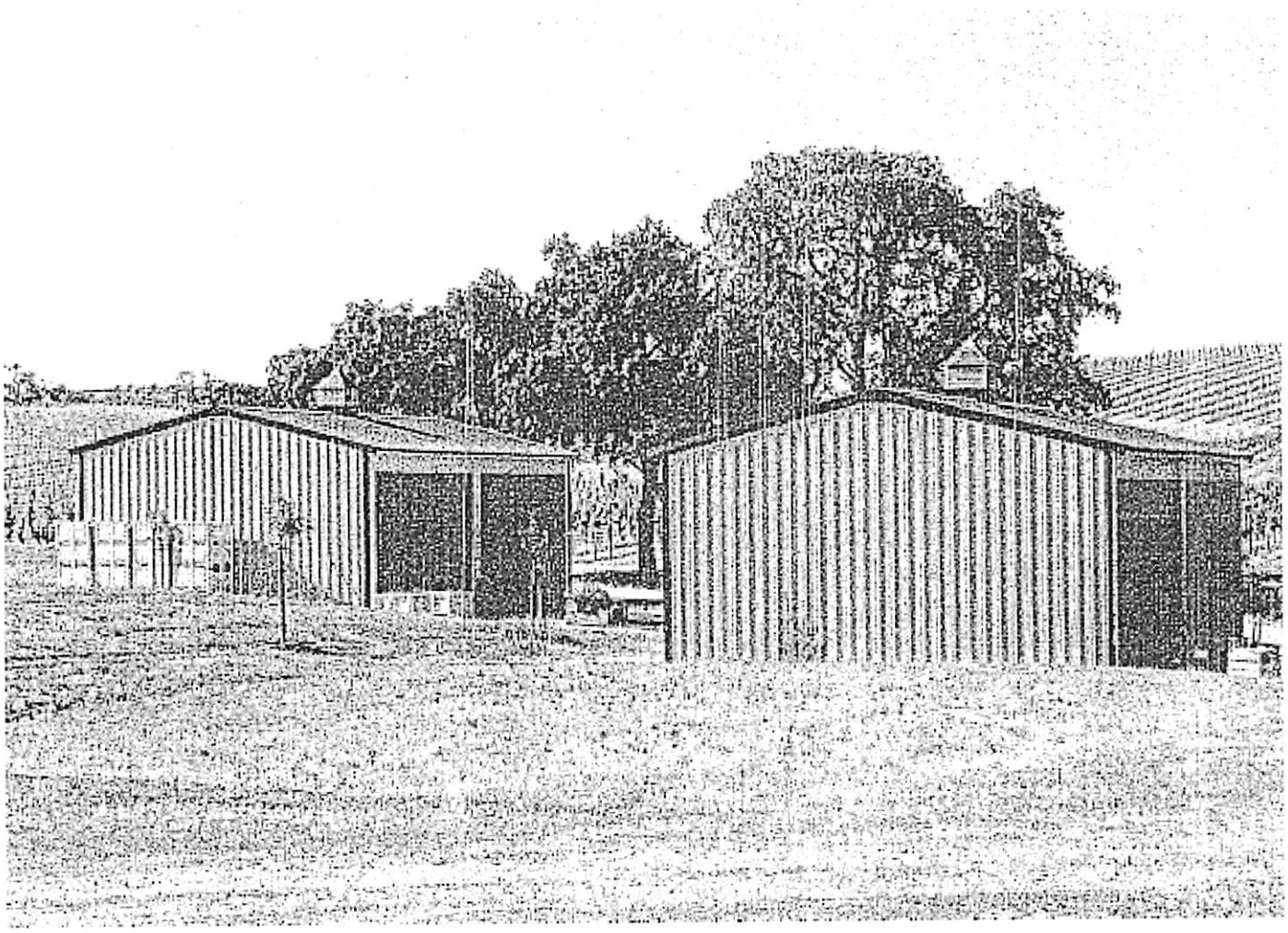


PROJECT

Merrill Conditional Use Permit
DRC2014-00004

EXHIBIT

Phase I Barrel Storage Floor Plan

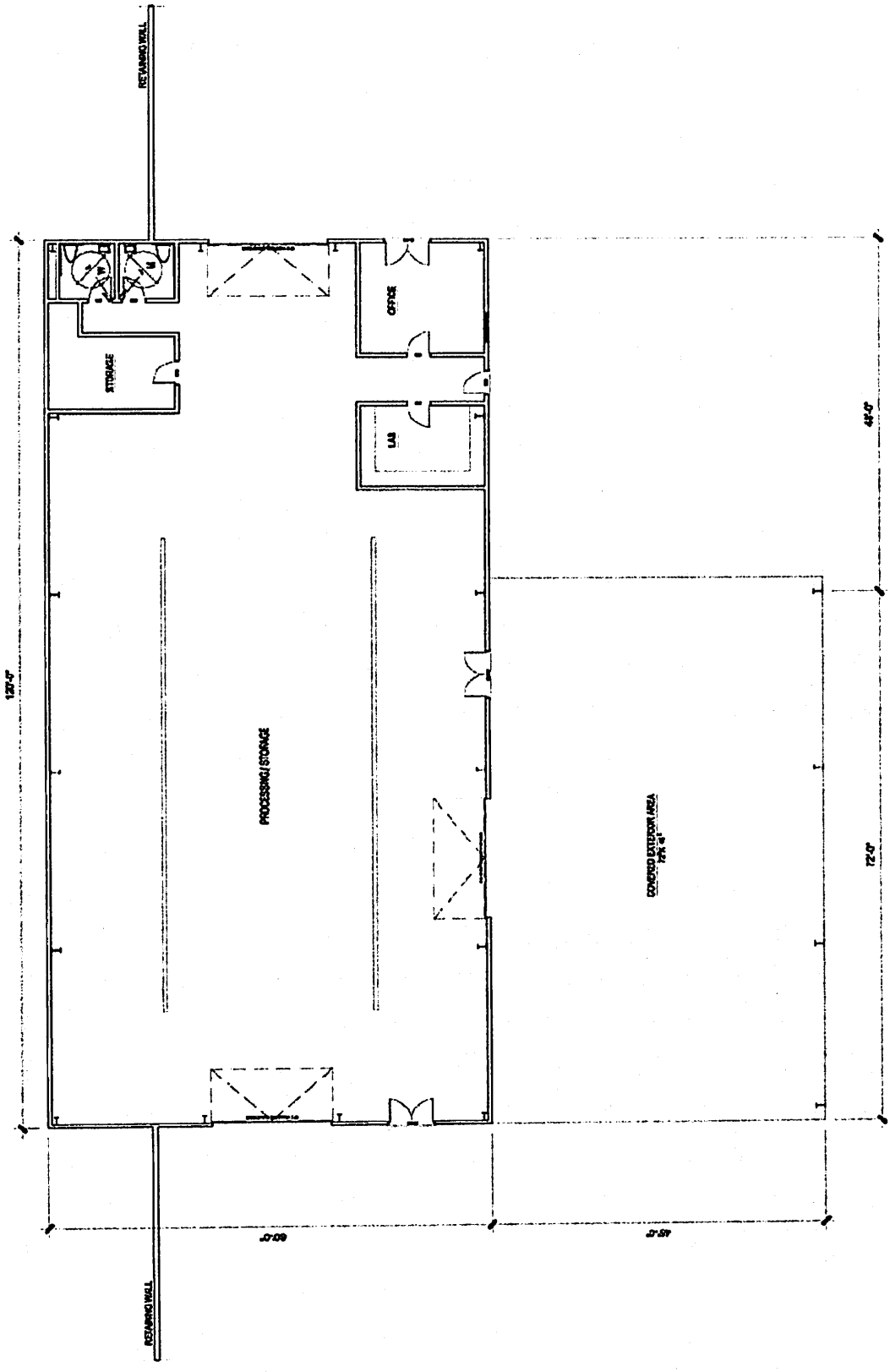


PROJECT

Merrill Conditional Use Permit
DRC2014-00004

EXHIBIT

Phase I Barrel Storage Elevations



PROJECT

Merrill Conditional Use Permit
DRC2014-00004

EXHIBIT

Phase II Processing Floor Plan

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

THIS IS A NEW PROJECT REFERRAL

RECEIVED

JUL 22 2014

SR 14072

Environmental Health

DATE: 7/21/2014

TO: ENV HEALTH

FROM: Holly Phipps (805-781-1162 or hphipps@co.slo.ca.us)
North County Team / Development Review

PROJECT DESCRIPTION: DRC2014-00004 MERRILL – Proposed conditional use permit to allow an expanded special event program for up to 25 events per year with 200 guests. Site location is 5036 S El Pomar Rd, Templeton. APN: 033-291-048

Return this letter with your comments attached no later than: 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ❑ YES (Please go on to PART II.)
- ❑ NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ❑ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
- ❑ NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Please see attached for applicable conditions.

8/15/14 — Date

[signature] — Name

x5551 — Phone

	Private Event	Public Event	Public Event in Conjunction with a Community Event
Food Service	None	Utilize licensed caterers or licensed mobile food facilities	Utilize licensed caterers, licensed mobilie food facilities or licensed temporary food facilities
Water Supply	None*	Food service must be supplied with a source of Potable Water as defined in H&S Code	Food service must be supplied with a source of Potable Water as defined in H&S Code
Solid Waste	Removed from site by an authorized collection service and disposed of in an approved Solid Waste Facility	Removed from site by an authorized collection service and disposed of in an approved Solid Waste Facility	Removed from site by an authorized collection service and disposed of in an approved Solid Waste Facility
Liquid Waste	Disposed of in an approved on-site wastewater disposal system or via portable restrooms / tanks which are serviced daily and removed from site at the conclusion of the event	Disposed of in an approved on-site wastewater disposal system or via portable restrooms / tanks which are serviced daily and removed from site at the conclusion of the event	Disposed of in an approved on-site wastewater disposal system or via portable restrooms / tanks which are serviced daily and removed from site at the conclusion of the event
Hazmat	All hazardous waste created by or brought to this event shall be handled and disposed of pursuant to State law	All hazardous waste created by or brought to this event shall be handled and disposed of pursuant to State law	All hazardous waste created by or brought to this event shall be handled and disposed of pursuant to State law

Requirement(s)

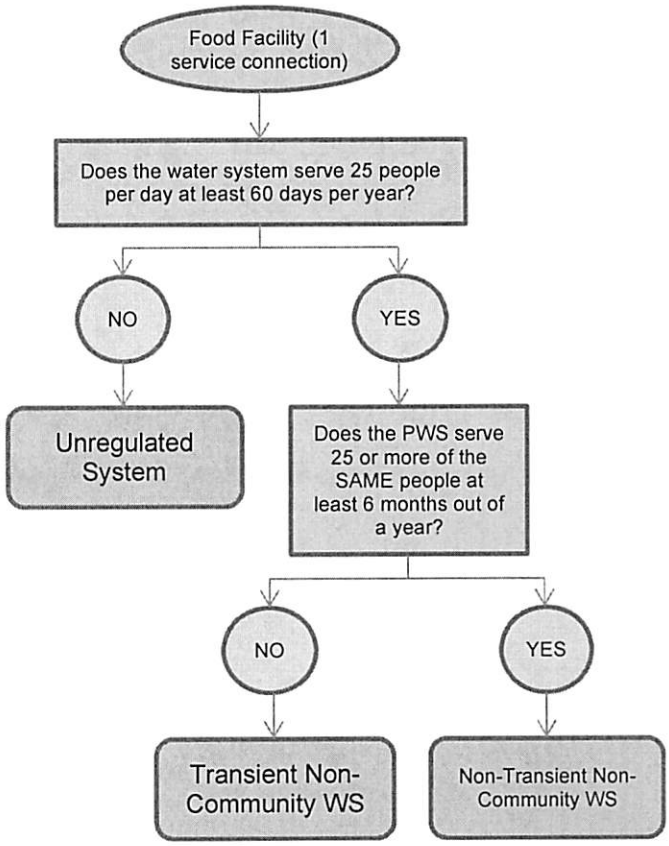
* should the site have >60 days/year with 25 or more persons, then the site will need to create a Transient Non-community water system

SAN LUIS OBISPO COUNTY
PUBLIC HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH SERVICES

Food Facilities with Private Water Wells

Food facilities not served by a public water system have a responsibility to ensure a safe water supply. The California Retail Food Code (CalCode), Section 114192, states that "an adequate, protected, pressurized, potable supply of hot water and cold water shall be provided," while Section 113869 defines "Potable water" as " water that complies with the standards for transient noncommunity water systems pursuant to the California Safe Drinking Water Act, Chapter 4 (commencing with Section 116270) of Part 12, to the extent permitted by federal law."

The California Safe Drinking Water Act provides the following definitions:
"116275. As used in this chapter:
(h) "Public water system" means a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year.
A public water system includes the following:
(o) "Transient noncommunity water system" means a noncommunity water system that does not regularly serve at least 25 of the same persons over six months per year."



To achieve compliance with the regulations above, San Luis Obispo County will have facilities with private water wells which either utilize an un-regulated water supply (with obligations to comply with "standards") or are served by a regulated transient non-community water system. This chart provides a decision tree for the proper classification of a food facility's water supply. All Public Water Systems (PWS) with less than 200 connections will be issued a **water system permit** and will be regulated by this office. Unregulated water systems serving a regulated food facility will be regulated as part of their **food facility permit**.

Unregulated water systems serving a food facility are required to comply with the following testing requirements:

Constituent	Frequency
Bacteriological	Monthly
Nitrate (NO3)	Annually
Nitrite (NO2)	Triennially (every 3 years)
Inorganic Chemicals (& Arsenic)	Once
Secondary Standards	Once

In addition to testing requirements, food facilities (including cottage food operations) are required to maintain their water system to ensure safety of their water supply. This includes but is not limited to ensuring that the source, distribution system and storage facilities are maintained to protect against contamination or pollution. Failure to comply with either testing or system structural requirements will result in a violation No. 21. *Water* on the food facility's inspection report.

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252
Fax (805) 781-1229 email address: pwd@co.slo.ca.us

MEMORANDUM

Date: July 11, 2014

To: Holly Phipps, Project Planner

From: Tim Tomlinson, Development Services

Subject: Public Works Comments on DRC2014-00004, Merrill CUP, S El Pomar Rd, Templeton, APN 033-291-048

Thank you for the opportunity to provide information on the proposed subject project. It has been reviewed by several divisions of Public Works, and this represents our consolidated response.

PUBLIC WORKS REQUESTS THAT AN INFORMATION HOLD BE PLACED ON THIS PROJECT UNTIL THE APPLICANT PROVIDES THE FOLLOWING DOCUMENTS FOR PUBLIC WORKS REVIEW AND COMMENT:

1. Please have the applicant provide a Civil Engineers Report addressing, at a minimum, sight distance evaluation of each existing driveway in accordance with County A-5 series standards. Alternatively, provide recommendations to achieve sight distance standards at each driveway to be used for project mitigation.

2. Please have the applicant evaluate the need for offsite roadway improvements (see Reso 2008-152).

Public Works Comments:

A. The proposed project may trigger road improvements per Resolution 2008-152.

Recommended Project Conditions of Approval:

Access

1. **At the time of application for construction permits**, the applicant shall submit plans prepared by a Registered Civil Engineer to the Department of Public Works to secure an Encroachment Permit and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plan is to include, as applicable:

   a. Reconstruct the existing main winery driveway approach in accordance with County Public Improvement Standard B-1e drawing for high speed and/or high volume rural roadways.

b. Reconstruct the other existing site access driveway approaches in accordance with County Public Improvement Standard B-1 drawings for rural roadways.

c. All driveways to achieve sight distance standards

2. **On-going condition of approval (valid for the life of the project):**
   a. Any gate constructed on a driveway where off-site grapes are delivered and/or product is exported from the site shall be a minimum of 75-feet from the traveled way of any road open to public traffic.

Recycling

3. **On-going condition of approval (valid for the life of the project)**, the applicants shall provide recycling opportunities to all facility users at all events in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential, commercial and special events).

DATE: **August 13, 2014**

TO: **Holly Phipps, Project Manager**

FROM: **Lynda L. Auchinachie, Agriculture Department**

SUBJECT: **Merrill Conditional Use Permit DRC2014-00004 (1779)**

The Agriculture Department's review finds that the proposed Merrill Conditional Use Permit to expand the existing special events program to allow for up to 25 events per year with 200 attendees and amplified music past 5 pm will have less than significant impacts to agricultural resources as the events will occur within the existing use footprint.

The project is located over the Paso Robles groundwater basin and the applicant is proposing to meet the water use offset requirements by removing a portion of the existing irrigated olive orchard. The Planning Department has clarified that offset requirements would need to be met by the removal of turf and other nonagricultural water. The Agriculture Department supports meeting development offset requirements through removal of nonagricultural water uses as identified by the Planning Department.

Comments and recommendations are based on policies in the San Luis Obispo County Agriculture Element, Conservation and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating to the extent feasible the negative impacts of development to agriculture.

If you have questions, please call 781-5914.

AIR POLLUTION
CONTROL DISTRICT
COUNTY OF SAN LUIS OBISPO

August 1, 2007

Ms. Karen Nall
SLO County Department of Planning and Building
County Government Center
San Luis Obispo CA 93408

SUBJECT: APCD Comments Regarding the MERRILL - MUP Pomar Junction Winery Project Referral. (DRC2006-00249)

Dear Ms. Nall,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed project located at 5036 South El Pomar Drive in Templeton. This project is located on a 121 acre agriculturally zoned parcel at 5036 South El Pomar Drive in Templeton. Proposed is a phased winery, which includes the construction of several existing buildings into winery processing facilities and a tasting room with the capacity matched to the vineyards. Phase one includes the production of 5000 cases, and conversion of the existing house and shop to accommodate the processing activities. Phase two includes the production of 15,000 cases and the conversion of two addition shop buildings to barrel storage. The third and final phase includes the production of 30,000 cases and construction of new processing a new processing facility of approximately 10,000 square feet. The project proponent is proposing to participate in six winery special events per year with no more than 80 guests at each event, and will also accommodate wine tasting activities as well, generating an average of 20 roundtrip car trips per day. *The following are APCD comments that are pertinent to this project.*

GENERAL COMMENTS

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text**.

CONSTRUCTION PHASE MITIGATION

Developmental Burning

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

3433 Roberto Court, San Luis Obispo, CA 93401 • 805-781-5912 • FAX: 805-781-1002
info@slocleanair.org www.slocleanair.org

Construction Permit Requirements
Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities will require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to page A-5 in the District's CEQA Handbook.

- Power screens, conveyors, diesel engines, and/or crushers;
- Portable generators and equipment with engines that are 50 hp or greater; and,
- IC engines.

To minimize potential delays, prior to the start of the project, please contact Gary Willey of the District's Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

OPERATIONAL PHASE MITIGATION

Private Off-site Dirt Road Leading to the Property and or Private On-site Dirt Road with Dust Emissions Exceeding 10 lbs/day
APCD staff has reviewed the operational impacts of this winery project using the URBEMIS2007 computer model, a tool for estimating vehicle travel, fuel use and the resulting emissions related to this project's land uses. The wineries capacity to ultimately produce 30,000 cases of wine prompts the need to evaluate the implications this may have in relation to the APCD's operational thresholds. The results of the model using conservative County average trip distances, the employee and tasting room trips, the dirt road portion of the trip distance (.5 miles) and the California Air Resources Board (CARB) defined dirt road emission rate demonstrated that the operational impacts will result in 18 pounds particulate matter (PM10) per day (lbs/day). The findings shows an exceedance of the APCD's 10 lbs/day threshold for operational activities will be exceeded if more than 23 round trips per day occur as a result of the wineries tasting room activities (20 trips /day) and production operations (3 trips/day).

This operational, fugitive dust impact would exceed the APCD's CEQA Tier I significance threshold value of 10 lbs/day for this pollutant. In addition, vehicle activity on dirt roads generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the dirt road. Dust complaints could result in a violation of the APCD's 402 "Nuisance" rule. **As a result of this estimated threshold exceedence and to minimize nuisance impacts, this project must implement the following mitigation measure:**

Off and On-site Dirt Road Mitigation:

> Implement and maintain design standards to ensure vehicles that use the off and on-site dirt road from South El Pomar Road to the project location are physically limited to a speed of 25 mph or less.
>
> If this measure does not adequately reduce the fugitive dust below the 20% opacity limit identified in APCD's 401 "Visible Emissions" rule or if dust is emitted offsite, additional mitigation measures may be necessary to minimize nuisance impacts.

If the wineries operations / tasting activities generate 33 trips per day, which is likely to occur as the operations grow to the proposed maximum production of 30,000 cases, then the wineries operations will also exceed the APCD's Tier II threshold of 25 lbs/day and additional mitigation measures are warranted. The applicant may propose other measures of equal effectiveness as replacements by contacting the APCD's Planning Division at 781-5912.

Mitigation for Special Events with dust emissions exceeding 25 lbs/day
In addition to the dust emission impacts listed above, the APCD has reviewed the dust impacts generated from the wineries proposed special events, consisting of 6 events per year, with no more than 80 guests attending each event, along with the periodic industry wide events, such as open houses and winemaker dinners during established weekends. The URBEMIS model uses conservative County average trip distances, the expected amount of trips, the dirt road portion of the trip distance of .5 miles and the CARB defined dirt road emission rate. The findings demonstrated that the operational impacts will result in 31.07 pounds of particulate matter (PM10) per day (lbs/day), assuming a 2 person per car ratio (80 people = 40 trips to and from the winery = 80 round trips).

This operational, fugitive dust impact exceeds the APCD's CEQA Tier II significance threshold value of 25 lbs/day for this pollutant. As stated above, vehicle activity on dirt roads generates fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the dirt road. Dust complaints could result in a violation of the APCD's 402 "Nuisance" Rule. **As a result of this estimated threshold exceedence and to minimize nuisance impacts, this project must implement the following mitigation:**

On the day that the special event shall occur implement the following measures to ensure that fugitive dust emissions do not exceed the 20% opacity limit identified in APCD's 401 "Visible Emissions" rule and such that offsite dust emissions from the site do not occur:

1. Parking locations that are selected shall be:
   a. Paved when possible; or
   b. Grass or low cut dense vegetative areas; or
   c. Dirt that is treated with a CARB certified dust suppressant such that fugitive dust emissions do not exceed the 20% opacity limit identified in APCD's 401 "Visible Emissions" rule and such that offsite dust emissions from the site do not occur.

2. The on-site dirt roads shall be maintained with:
   a. CARB certified dust suppressant such that fugitive dust emissions do not exceed the 20% opacity limit identified in APCD's 401 "Visible Emissions" rule and such that offsite dust emissions from the site do not occur.
   b. To ensure dust suppressant efficacy, the applicant shall also implement design standards to ensure vehicles that use the on-site dirt road are physically limited to a speed of 25 mph or less.

Operational Permit Requirements:
Based on the information provided, we are unsure of the types of equipment that may be present at the site. Operational sources may require APCD permits. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to page A-5 in the District's CEQA Handbook.

- Portable generators and equipment with engines that are 50 hp or greater;
- Chemical product processing and or manufacturing;
- Electrical generation plants or the use of standby generator;
- Food and beverage preparation (primarily coffee roasters);
- Public utility facilities;
- IC Engines; and
- Cogeneration facilities.

To minimize potential delays, prior to the start of the project, please contact Gary Willey of the District's Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

Nuisance Odors from Wineries
One concern the District has with wine production facilities is their potential to generate nuisance odors during various steps of the process. **Proven methods for handling wastewater discharge of and handling of the skins need to be incorporated into the winery practices to minimize the occurrence of anaerobic processes that mix with ambient air which can result in offsite nuisance odor transport.** Odor complaints could result in a violation of the District's 402 "Nuisance" Rule.

Agricultural Burning
The District has sent a courtesy copy of this letter and educational handbooks on agricultural burning (English and Spanish) directly to the applicant for their reference.

Winery Fermentation Process
Assemble Bill 32, the California Global Warming Solution Act of 2006 and California Governor Schwarzenegger Executive Order S-3-05 (June 1, 2005), both require reductions of greenhouse gases in the State of California. The Governor has recognized, "mitigation efforts will be necessary to reduce greenhouse gas emissions and adaptation efforts will be necessary to prepare Californian for the consequences of global warming". In order to address this issue, District staff recommends that greenhouse gas emissions be evaluated along with appropriate mitigation.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at 781-5912.

Sincerely,

Stacy Shull

Stacy Shull
Air Quality Specialist

SLS/sll

cc: Mr. Dana Merrill, Applicant
Tim Fuhs, Enforcement Division, APCD
Karen Brooks, Enforcement Division, APCD
Gary Willey, Engineering Division, APCD

Attachments:
1. Naturally Occurring Asbestos – Construction & Grading Project Exemption Request Form, Construction & Grading Project Form
2. Educational handbooks on agricultural burning (English and Spanish) to applicant in mail.