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. ED14-258 **DATE:** April 7, 2015

PROJECT/ENTITLEMENT: Backer Minor Use Permit; DRC2014-00144

APPLICANT NAME: John & Jill Backer
ADDRESS: 8790 E. Highway 41, Creston, CA 93432
CONTACT PERSON: Lacey Zuback-Kirk Consulting **Telephone:** 805-461-5765

PROPOSED USES/INTENT: The expansion of an existing winery to allow the construction of a 984 square foot (sf), building to include a 717 sf tasting room, 91 sf commercial kitchen, 68 sf office, 70 sf retail area and 48 sf restroom. The existing 110 sf tasting room/area located in the wine processing/barrel storage building will be converted into production area. The applicant is proposing to increase annual case production 3,000 cases to 10,000 cases. The applicant is requesting 6 special events annually for up to 80 guests. No outdoor amplified is proposed. The project will result in the disturbance of approximately 1,500 square feet on a 32 acre parcel. The proposed project is within the agriculture land use category and is located at 8790 East Highway 41, north of the community of Creston. The site is in the El Pomar-Estrella sub area of the North County planning area.

LOCATION: 8790 E. Highway 41, Creston, CA 93432

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

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

OTHER POTENTIAL PERMITTING AGENCIES: RWQCB, Environmental Health

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. (2 wks from above DATE)

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

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County_____ as ☐ *Lead Agency* ☐ *Responsible Agency* approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures and monitoring were made a condition of approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

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

	Holly Phipps		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 5.7) Using Form

Project Title & No. **Backer Minor Use Permit ED14-258 DRC2014-00144**

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.

Holly Phipps	Holly Phipps	March 25, 2016
Prepared by (Print)	Signature	Date
Steve McMasters	Steve McMasters	Ellen Carroll, Environmental Coordinator (for) 3/25/16
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:

Request by Stephen Backer for a Minor Use Permit to allow the expansion of an existing winery to allow the construction of a 984 square foot (sf) building to include a 717 sf tasting room, 91 sf commercial kitchen, 68 sf office, 70 sf retail area and 48 restroom. The existing 110 sf tasting room/area located in the wine processing/barrel storage building will be converted into production area. The applicant is proposing to increase annual case production from 3,000 cases to 10,000 cases, and is requesting 6 special events annually for up to 80 guests. No outdoor amplified music is proposed. The project will result in the disturbance of approximately 1,500 square feet on a 32 acre parcel. The proposed project is within the agriculture land use category and is located at 8790 East Highway 41, north of the community of Creston. The site is in the El Pomar-Estrella sub area of the North County planning area.

Background:

The previous Minor Use Permit (DRC2005-00270) authorized the conversion of an existing 1,750 sf agricultural barn into a 1,640 sf winery with a 110 sf tasting room. Wine production is currently 3,000 cases annually. No Special Events were authorized. The winery does participate in Industry-wide events as allowed per ordinance.

ASSESSOR PARCEL NUMBER(S): 035-111-022

Latitude: 35 degrees 32' 5.7834" N Longitude: -120 degrees 32' 10.7556" W

SUPERVISORIAL DISTRICT # 5

B. EXISTING SETTING

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

LAND USE CATEGORY: Agriculture **COMB. DESIGNATION**: None

PARCEL SIZE: 32 acres **TOPOGRAPHY**: Gently sloping to gently rolling

VEGETATION: Agriculture **EXISTING USES**: Agricultural uses

SURROUNDING LAND USE CATEGORIES AND USES:

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

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 proposed project site is located on 32 acres bordering Highway 41 East, approximately 1 mile northwest of Creston. The project is considered compatible with the surrounding uses and the topography of the area consists of gently rolling to gently sloping hills. There is an existing winery with tasting room, single-family residence, vineyard, and olive grove onsite. The winery has been in operation since 2007.

Impact. The project is proposing to construct a 984 square foot building to allow for a new larger tasting room, commercial kitchen, office, and restroom. The existing 110 square foot tasting room will be converted into production area. The project includes 6 special events per year with up to 80 guests each. Portions of project will be visible from Highway 41 as viewed from the public roadway.

The proposed building will be built directly adjacent to the existing winery. The existing winery facility and proposed building will be partially screened by the existing olive orchard on the south side, fruit trees to the north, and trees at the northwest corner of the building. The proposed structure will be

agrarian design similar to the existing buildings and is consist with other buildings in the rural landscape.

The installation of exterior lighting on the proposed building could cause off-site glare and could be visible from Hwy 41.

Mitigation/Conclusion. As required by the ordinance, the project will be conditioned to provide an exterior lighting plan to ensure that the project does not create off-site glare.

The project will be conditioned to provide a landscape plan to add additional screening to help screen the proposed building as viewed from Highway 41. Based on implementation of these measures, potential visual impacts would be less than significant. No mitigation measures beyond ordinance requirements are required.

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

Land Use Category: Agriculture

State Classification: Not prime farmland, Prime farmland if irrigated

Historic/Existing Commercial Crops: Yes, Grape Varietal and Olive

In Agricultural Preserve? Yes, El Pomar AG Preserve Area

Under Williamson Act contract? No

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

Arbuckle fine sandy loam (2 - 9% slope). This gently sloping coarse loamy soil is considered moderately drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class IV without irrigation and Class II when irrigated.

Arbuckle-Positas complex (9 - 15 % slope).

Arbuckle. This gently to moderately sloping coarse loamy soil is considered moderately drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as having potential

septic system constraints due to: slow percolation. The soil is considered Class IV without irrigation and Class III when irrigated.

Positas. This gently to moderately sloping coarse loamy 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.

Nacimiento-Los Osos complex (9 - 30 % slope).

Nacimiento. This moderately sloping, fine loamy 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.

Los Osos. This moderately sloping, fine loamy 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.

The subject property is within the Agricultural land use category, and contains approximately 8.3 acres of vineyards and 1.07 acres of olive orchards.

The project is located in the El Pomar Agricultural Preserve which encompasses much of the El Pomar-Estrella sub planning area. The intent of this designation is to support continuing availability of these areas for production of food and fiber. As Land Conservation Act contracts are terminated, landowners may request to remove their properties from an agricultural preserve and to change the land use category from Agriculture to another category, consistent with the *Rules of Procedure to Implement the California Land Conservation Act of 1965.* This property is not enrolled in a Land Conservation Act contract.

Impact. The project proposes to construct a new 984 square foot tasting room, convert an existing 110 square foot tasting room into additional production area and is proposing a limited special events program. The proposed expansion would not be located on prime agricultural soils and would not adversely impact on-site or adjacent agricultural operations. The project is not enrolled in the Williamson Act (Land Conservation Act contract).

The project was referred to the Department of Agriculture (Lynda L. Aunchinachie, June 26, 2015). Site specific impacts to agricultural resources on the project site are less than significant; however the Agricultural Department recommend measures to protect area-wide agricultural resources through measures to maximize the availability of water for agricultural production, to minimize runoff, and to maximize groundwater recharge.

Mitigation/Conclusion. Measures recommended by the Agriculture Department to maximize the availability of water for agricultural (Lynda L. Auchinachie, June 26, 2015) include:

- Incorporate best management practices for water conservation purposes throughout winery facility.
- Maximize the use of pervious and semi-pervious areas in order to promote groundwater recharge, minimize erosion and sedimentation, and protect farmland for agricultural use.

Impacts to agricultural resources would be less than significant. Incorporation of the recommended measures by the Agriculture Department would further reduce impacts and provide consistency with the Agricultural Element and Conservation & Open Space Element. The measures will be included in the conditions of approval for the consideration of the decision making body.

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?	☐	☐	☒	☐
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. As proposed, the project will result in the disturbance of approximately 1,500 square feet. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. The project will be moving less than 1,200 cubic yards/day of material and will disturb less than four acres of area, and therefore will be below the general thresholds triggering construction-related mitigation. The project is also not in close proximity to sensitive receptors that might otherwise result in nuisance complaints and be subject to limited dust and/or emission control measures during construction.

From an operational standpoint, based on Table 1-1 of the CEQA Air Quality Handbook (2012), the project will not exceed operational thresholds triggering mitigation. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan. No significant air quality impacts are expected to occur.

This project will result in 1,500 square feet of disturbance and 6 special events per year with up to 80 guests. Using the GHG threshold information described in the Setting section, the project is expected to generate less than the Bright-Line Threshold of 1,150 metric tons of GHG emissions. Therefore, the

project's potential direct and cumulative GHG emissions are found to be less significant and less than a cumulatively considerable contribution to GHG emissions. Section 15064(h) (2) of the CEQA Guidelines provides guidance on how to evaluate cumulative impacts. If it is shown that an incremental contribution to a cumulative impact, such as global climate change, is not 'cumulatively considerable', no mitigation is required. Because this project's emissions fall under the threshold, no mitigation is required.

The project proposes to disturb soils that have been given a wind erodibility rating of 3, which is considered "moderate".

Due to the distance of any known fault (at least two miles away) or serpentine rock outcrop (at least three miles away), it is not expected that any naturally occurring asbestos would be encountered during any earthmoving activities.

Mitigation/Conclusion. No mitigation measures are necessary, and no mitigation measures above what are already required by ordinance are necessary.

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, Herbaceous, Trees

Name and distance from blue line creek(s):

West Branch Huerhuero Creek is approximately 574 feet east of the proposed project. An unnamed Creek is within the property boundaries of the proposed project. The unnamed Creek is approximately 242.69 feet west of the proposed project site.

Habitat(s):

California Central Valley and Southern Coastal Grassland, Developed Open Space, Southern California Coastal Scrub

Site's tree canopy coverage: Approximately 10%

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

Vegetation

Shining navarretia (Navarretia nigelliformis ssp. radians) List 1B. Shining navarretia (Navarretia nigelliformis ssp. radians) has been found about .22 miles to the northeast. This annual herb is found in cismontane woodland, valley and foothill grasslands and vernal pool areas between the 200 and 1000-meter elevations (650 to 3,280 feet). The typical blooming period is May-July. Shining navarretia is considered rare by CNPS (List 1B, RED 2-2-3).

Spreading navarretia (Navarretia fossalis). Spreading navarretia has been found .14 miles to the east. This annual herb is commonly found in vernal pool, alkali grasslands, alkali playa and alkali sinks between sea level and 4,250 feet in elevation.

Wildlife

Vernal pool fairy shrimp (Branchinecta lynchi) FT. Vernal pool fairy shrimp (Branchinecta lynchi) has been found about .88 miles to the east. Vernal pool fairy shrimp is considered federally threatened. This species is endemic to the grasslands of the Central Valley, Central Coast mountains, and South Coast mountains, as well as found in rain-filled pools. The shrimp inhabits small, clear-water sandstone-depression pools and grassed swales, earth slumps, or basalt-flow depression pools.

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

Habitat

San Joaquin kit fox *(Vulpes macrotis mutica)* FE, ST. The CNDDB identified this area as important habitat for the San Joaquin Kit Fox, a federally listed endangered and California threatened species. The kit fox is uncommon to rare. They reside in arid regions of the southern half of the state (Grinnell et al. 1937, Wilson and Ruff 1999:150). This usually nocturnal mammal lives in annual grasslands or grassy open stages of vegetation dominated by scattered brush, shrubs, and scrub. Kit foxes primarily are carnivorous, subsisting on black-tailed jackrabbits and desert cottontails, rodents (especially kangaroo rats and ground squirrels), insects, reptiles, and some birds, bird eggs, and vegetation (Egoscue 1962, Laughrin 1970, Morrell 1971, 1972, Orloff et al. 1986). Their cover is provided by dens they dig in open, level areas with loose-textured, sandy and loamy soils (Laughrin 1970, Morrell 1972). Pups are born in these dens in February through April. Pups are weaned at about 4-5 months. May not require a source of drinking water. Some agricultural areas may support these foxes. Potential predators are coyotes, large hawks and owls, eagles, and bobcats. Cultivation has eliminated much habitat. Kit foxes are vulnerable to many human activities, such as hunting, use of rodenticides and other poisons, off-road vehicles, and trapping.

The project site is located in the County's San Joaquin Kit Fox Mitigation Area, in the area that requires mitigation on a 1:1 basis. Mitigation was required for the establishment of the existing winery facility as conditioned by the previously authorized Minor Use Permit (DRC2005-00270) for the project.

Impact. A site visit of the project site was made on 6/18/15 by Staff to inspect the project site's topography for the potential to support vernal pool habitat (e.g., low-elevation areas, depressions, natural or man-made ponded areas, etc.). At that time, no evidence of vernal pools or potential areas for ponded water was observed. The project site is such that water would not pool in a manner

consistent with the characteristics of vernal pools or seasonal wetlands. The location of the project is on previously disturbed ground covered with decomposed granite and ornamental landscaping, therefore, there was no indication of habitat suitable for supporting fairy shrimp, or sensitive aquatic animal or plant species associated with vernal pools.

With regards to the San Joaquin Kit Fox, based on the results of previous Kit Fox Habitat Evaluations that have been conducted for the North County Planning area, the standard mitigation ratio for projects on parcels less than 40 acres in size has been established as 1:1. This means that all impacts to kit fox habitat must be mitigated at a ratio of 1 acre conserved for each acre impacted 1:1. The project will result in 1,500 square feet of site disturbance and the project will result in the permanent disturbance of 0.02 acres of kit fox habitat.

A San Joaquin Kit Fox habitat evaluation form was prepared by Dave Hacker, on June 13, 2005 for the existing winery. The evaluation form was reviewed by Bob Stafford of the California Department of Fish and Game.

Applicants have the option of hiring a qualified biologist to conduct a Kit Fox Habitat Evaluation of the project site if the applicant believes that the evaluation would lower the score and reduce the required mitigation ratio. However, the applicant has chosen to accept the standard mitigation ratio of 1:1, which requires that a total compensatory acreage of 0.02 (0.02 acres multiplied by a 1:1 ratio) be mitigated.

Shining navarretia herb is found in cismontane woodland, valley and foothill grasslands. The proposed location of the tasting room is on previously disturbed soils with non-native grasses, and ornamental landscaping, which would not support the growth of Shining navarretia. Spreading navarretia is commonly found in vernal pool, alkali grasslands, alkali playa and alkali sinks. None of these features were found onsite.

Although there is a blue line creek located within the parcel, the project site is approximately 250 feet away from the unnamed Creek. Another creek is located west of the proposed project site which is over 300 feet from the proposed project and therefore the creek will not be impacted.

Mitigation/Conclusion. No significant impacts are expected to occur to Vernal pool fairy shrimp, or Spreading navarretia and no mitigation measures are necessary.

With regards to the San Joaquin Kit Fox, the applicant will be required to mitigate the loss of 0.04 acres of kit fox habitat by one of the following ways:

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

To prevent inadvertent harm to kit fox, the applicant has agreed to retain a biologist for a pre-construction survey, a pre-construction briefing for contractors, and monitoring activities in addition to implementing cautionary construction measures. These mitigation measures are listed in detail in Exhibit B Mitigation Summary Table. The implementation of the above measures will mitigate biological impacts to a level of insignificance.

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) *Cause a substantial adverse change to a Tribal Cultural Resource?*	☐	☐	☒	☐
e) *Other:* _____	☐	☐	☐	☒

Setting. The project is located in an area historically occupied by the Salinan & Chumash and is within 300 feet of a blue line creek. The potential for the presence or regular activities of the Native American increases in close proximity to reliable water sources. A search of ¼ mile around the subject property identified the following previous survey work: 2 reports where no resources were encountered; 0 reports where resources were identified. No historic structures are present and no paleontological resources are known to exist in the area.

Impact. No evidence of cultural materials was noted on the property. Impacts to historical or paleontological resources are not expected.

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?*	☐	☐	☒	☐

6. GEOLOGY AND SOILS
Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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 sloping to gently rolling

Within County's Geologic Study Area?: No

Landslide Risk Potential: Moderate

Liquefaction Potential: Low

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

The project is not within a Geologic Study area designation or within a high liquefaction area, and is not subject to the preparation of a geologic report per the County's Land Use Ordinance. [LUO section 22.14.070 (c) to evaluate the area's geological stability.]

Impact. As proposed, the project will result in the disturbance of approximately 984 square feet (0.03acres) of previously disturbed ground on a 32 acre parcel. This has the potential to result in erosion and sedimentation.

Mitigation/Conclusion. Pursuant to County Ordinances, the applicant will be required to prepare prior to issuance of construction permits, an Erosion and Sedimentation Control Plan and Drainage Plan. All Erosion and Sedimentation Control Plans shall be accompanied with a complete Stormwater Quality Plan and Best Management Practices shall be in compliance with the Low Impact Development Handbook. Implementation of ordinance requirements would mitigate potential geologic and soils impacts to less than significant, and no additional mitigation measures are necessary.

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?***	☐	☐	☒	☐

7. HAZARDS & HAZARDOUS MATERIALS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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?	☐	☐	☒	☐
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. The project is not within the Airport Review area. With regards to potential fire hazards, the subject project is within the high Fire Hazard Severity Zone. Based on the County's fire response time map, it will take approximately 0-5 minutes to respond to a call regarding fire or life safety. Refer to the Public Services section for further discussion on Fire Safety impacts.

Impact. The project does not propose the use of hazardous materials, or 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 proposed project was referred to CAL FIRE for review (Clinton Bullard, August 10, 2015) for code requirements relating to fire protection; their comments will be incorporated into conditions of project approval. The proposed project will be converting a 5,000 gallon polycarbonate water storage tank into a 10,000 gallon steel water storage tank to provide water storage for fire protection consistent with CAL FIRE regulations.

The applicant is required to comply with the California Fire Code, California Building Code, the Public Resources Code, and any other applicable fire laws.

Per the Winery Ordinance, Section 22.30.070 and Section 22.30.610 of the County Land Use Ordinance, wineries holding special events shall be required to provide two unobstructed access points from the event site to a publicly maintained road and special event parking shall be consist at a minimum of an open area with a slope of 10 percent or less, at a ratio of 400 square feet per car, on a lot free of combustible material.

Mitigation/Conclusion. With the implementation of the Fire Safety Plan required by ordinance, no significant impacts as a result of hazards or hazardous materials are anticipated, and no additional 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 located in a rural area where agriculture is the prevailing land use. Noise levels on the project site and vicinity are low and there are no sources of loud noises beyond those associated with agricultural operations. A portion of the project is within close proximity to a transportation noise source (Highway 41) and development within the following distances from the noise source will exceed the County's acceptable exterior noise threshold of 60 dBs for sensitive uses as follows:

- ✓ areas within the 60 dB to 65 dB range - 61 feet from road centerline, and closer;
- ✓ areas within the 65 dB to 70 dB range - 28 feet from road centerline, and closer;
- ✓ areas above the 70 dB level - 13 feet from road centerline, and closer.

Based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the parcel is within the 60-65dB range, which is 61 feet from the Highway 41 centerline. The highway is cut into the hillside and located downslope from the project site. The project site is located upslope and outside of this noise range.

Special events associated with a winery are governed by LUO Section 22.30.070.D.2.i(3) which sets forth limitations on the number of such events per year (no more than 40) and the hours during which amplified music may be allowed (between the hours of 10 AM and 5PM). The standard relating to amplified music may only be waived or modified where a finding can be made by the Review Authority that the noise at the property line will not exceed 65dB. The nearest off-site sensitive receptor is a single family residence located about 800 feet to the southeast of the proposed tasting room construction.

Impact. The project site is located upslope and outside of the 60-65dB transportation noise range, and thus will not be impacted by this source.

Construction activities may involve the use of heavy equipment for the delivery and movement of materials on the project site. The use of construction machinery will also be a source of noise. Construction-related noise impacts would be temporary and localized. As discussed in the setting, the project site is not located in proximity to sensitive receptors; the nearest house is about 800 feet away. In addition, County regulations limit the hours of construction to day time hours between 7:00 AM and 9:00 PM weekdays, and from 8:00 AM to 5:00 PM on weekends.

The applicant is requesting to participate in six special events per year with no more than 80 guests at each event. Noise impacts can occur as a result of amplified music if the events occur in close proximity to sensitive receptors (e.g. residences). The location of the special events is located approximately 800 feet from the nearest residence. No outdoor amplified music beyond 5 PM is proposed. No significant impacts are anticipated.

Mitigation/Conclusion. Any special event with amplified music shall only be allowed from 10 AM to 5 PM as allowed per the LUO, Section 22.30.070.D.2.i.(3). No outside amplified music shall occur before 10 AM or after 5 PM. The project shall comply with the County Noise Element.

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

9. POPULATION/HOUSING ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) 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?	☐	☐	☒	☐

9. POPULATION/HOUSING

Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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. 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 5 miles to the west)

Fire: Cal Fire (formerly CDF) Hazard Severity: High Response Time: 0-5 minutes

Location: (Approximately 1 mile to the southeast)

School District: Atascadero Unified School District.

Police protection is provided by the County Sheriff which has a sub-station at 356 Main Street in Templeton. The nearest County fire station is located at 6055 Webster Road in the Community of

Creston which is about 1 mile to the southeast. Emergency response times to the project site are 0-5 minutes. The project is located within the Atascadero Unified School District.

Impact. This project includes the construction of a 984 square foot building to allow for a new larger tasting room, commercial kitchen, office, and restroom. The existing 110 square feet tasting room will be converted into production area. The applicant is also proposing to increase case production from 3,000 cases to 10,000 cases. The project includes 6 special events per year with up to 80 guests each.

To mitigate the demand for new or expanded public facilities caused by development, the county has adopted development impact fees in accordance with Government Code Section 66000 et seq. Under this program private development is required to pay a fee that is proportional to the incremental demand for a particular facility needed to serve such development. The amount of the fees must be justified by a supporting study (fee justification study) which identifies the new or expanded facilities needed to serve expected demand into the future and apportions these costs to new development. New development is required to pay the appropriate fees for new or expanded public facilities commensurate with the type and size of development.

The project's direct and cumulative impacts are within the general assumptions for allowable uses for the subject property that was used to estimate the county's impact fees. As discussed in Section 7, Hazards and Hazardous Materials, the project will be required to incorporate required fire protection measures in compliance with existing regulations. Project impacts to area roadways are discussed in Section 12, Transportation/Circulation. No significant project-specific impacts to utilities or public services were identified.

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	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
Will the project:				
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 show that a potential trail goes through the proposed project. Based on the County's Trails Map, the proposed Creston to Salinas River Trail runs along the southern side of the parcel boundary.

Impact. The County has adopted a Trails Plan for the purpose of establishing a trail system serving the unincorporated areas of the County. The proposed project will not create a significant need for additional park, Natural Area, and/or recreational resources. A trail dedication easement across private property shall be considered, and may be obtained per the Parks and Recreation Element for land designated Agriculture when a discretionary project that would convert agricultural 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 area wide circulation system?	☐	☐	☒	☐
b) Reduce existing "Level of Service" on public roadway(s)?	☐	☐	☒	☐
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(s): Highway 41 East. A referral was sent to Public Works.

The previously proposed project authorized the conversion of an existing barn into a 1,640 square foot winery with a 110 square foot tasting room with expected production of 3,000 cases per year. The project estimated about 30 average daily trips during peak summer weekends. An Access and Sight Distance Evaluation and Trip Generation Analysis completed for the previously authorized Minor Use Permit, DRC2005-00270 (Orosz, August 29, 2006) indicated the need for a new access road due to poor sight distance to serve the proposed winery from Highway 41.

This previously authorized project (DRC2005-00270) required a new ingress/egress driveway from Highway 41. These improvements required an encroachment permit from Cal Trans. Road improvements were completed per Cal Trans requirements. An Access and Sight Distance Evaluation and Trip Generation Analysis that was completed (Orosz, August 29, 2006) stated that this section of Highway 41 adjacent to the project site carries approximately 3,100 Average Daily Trips and 350

vehicles during the peak hour. These traffic volumes represent level of serve A/B. A referral was sent to Cal Trans and no comments or concerns were submitted. Today the estimated weekday peak hour trip is estimated at 1,600.

Operational: The existing winery peak hour trips associated with the winery and tasting room is 30 peak hour trips (pht).

Other Permitted Activities: The existing winery participates in Industry-wide events, which are allowed per the ordinance. Typical Industry-wide events include: the annual Zin Fest, Wine Fest and Harvest Festival, and members-only wine pick up parties.

County Public Works had comments as follows: 1) the proposed project does not trigger road improvements per Resolution 2008-152, 2) the proposed public serving project site is not located further than 1-mile from a collector or arterial and Highway 41 is designated arterial 3) The proposed project is designated outside all Road Improvement Fee areas.

Impact. The project proposes the expansion of a previously approved winery to allow the construction of a 984 square foot (sf), building that will include a 717 sf tasting room. The existing 110 sf tasting room/area that was located in the wine processing/barrel storage building will be converted into production area. The proposed new tasting room will generate approximately 2.3 peak hour trips. Special events are expected to generate 32 peak hour trips.

The applicant is requesting 6 special events annually for up to 80 guests. Special events will be held on the weekends during the day or evening which would presumably not coincide with the morning or afternoon peak hour trips. However, assuming 32 peak hour trips on a weekend afternoon, a special event would increase the peak hour volume on Highway 41 by about 2%.

The proposed project would require 4 additional parking spaces. There is ample space on site to allow for with up to 32 additional vehicles spaces approximately 960 feet west of the project site on the parcel.

Mitigation/Conclusion. Parking shall be provided in compliance with LUO Section 22.18.060, special event and industry-wide event parking shall be in compliance with LUO Section 22.30.610, and all driveways and gates shall be constructed in accordance with County Public Improvement Standards and per Resolution 2008-152.

No significant traffic impacts were identified, and no mitigation measures above what are already required by ordinance are necessary.

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. The project proposes to use an existing on-site system, as its means to dispose of wastewater. Wastewater is currently treated and applied to the land under provisions of the Regional Water Quality Control Board (RWQCB) winery wastewater waiver. Wine production waste is increasing from 3,000 to 10,000 cases and will go into the existing holding tank where the solids will settle and the liquids will be treated and land applied. A reclamation wastewater system was installed under the original entitlement (DRC2005-000270).

Impacts. The increase in case production will also fall under the parameters of the current RWQCB winery waste water waiver. The RWQCB will require an updated Notice of Intent.

Mitigation. There are no potentially significant impacts and no specific measures above standard requirements that have been determined necessary.

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 project proposes to obtain its water needs from an on-site well. There is one existing well on this parcel which currently services the residences and the agricultural operations.

The Public Health Department reviewed a well driller's report submitted by Miller Drilling (October 10, 2006) and approved the construction of the current onsite well on December 27, 2006 (Permit #2006-268). The proposed project does not involve the increase in water usage, due to the removal of 1,250 square feet of existing lawn.

The Environmental Health Division reviewed the previous project on the site for water availability and the determined that there is preliminary evidence that there would be sufficient water available to serve the proposed project. Based on available information, the proposed water source is not known to have any significant availability or quality problems. The currently proposed project will not increase the water usage on site.

The topography of the project is gently rolling to moderately sloping The closest creek (West Branch of Huerhuero Creek) from the proposed development is adjacent to the eastern border of the subject property. As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility.

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

Within the 100-year Flood Hazard designation? No

Closest creek? Unnamed Distance? Approximately 430 feet west

Soil drainage characteristics: Not 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 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.

The project is located within the Paso Robles Groundwater Basin. The project is no longer subject to the Urgency Ordinance that was adopted by the County Board of Supervisors in 2013 because that ordinance expired August 2015.

Impact. The project proposal consists of a new, 984 square foot, building that will include a 717 square foot tasting room. This proposal also includes a request for a special events program that will include 6 special events for up to 80 guests. The project also proposes to increase case production from 3,000 cases to 10,000 cases. The existing tasting room would be converted into additional processes and storage space for wine production. The proposed project will be located on a previously disturbed/improved area of the site (an existing lawn).

The project proposal consists of 6 events with up to 80 guests annually. It is estimated to require up to 4,320 gallons of water annually (estimating 9 gallons per person).

The State of California is still within a drought situation and as such a 1:1 water offset will be required. To mitigate the water use, the applicant is proposing to remove 1,250 square feet of an existing lawn area. The project will be able to mitigate their new water use with on-site reductions in the current water use (e.g. off-sets).

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

- ✓ Approximately 1,500 square feet of site disturbance (0.03 acres) is proposed;
- ✓ The project will be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use;
- ✓ The project is not on highly erodible soils, nor on moderate to steep slopes;
- ✓ 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;

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 0.02 acres.

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;

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

Mitigation/Conclusion. As specified above for water quality, existing regulations and/or required plans will adequately address surface water quality impacts during construction and permanent use of the project. There is substantial evidence indicating that water resources are adequate to support the proposed project.

The proposed project shall offset resulting new water demand at a ratio of 1:1. The applicant has agreed to offset the new water usage by removing the lawn area around the existing winery. 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 was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

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

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

1. Planning Area Standard Chapter: 22.94 North County Planning Area
2. Planning Area Standard Chapter: 22.940.040 El Pomar-Estrella Sub-Area

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

16. MANDATORY FINDINGS OF SIGNIFICANCE

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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	**Not Applicable**
☐	County Sheriff's Department	**Not Applicable**
☒	Regional Water Quality Control Board	**None**
☐	CA Coastal Commission	**Not Applicable**
☒	CA Department of Fish and Wildlife	**None**
☒	CA Department of Forestry (Cal Fire)	**Attached**
☒	CA Department of Transportation	**None**
☐	Community Services District	**Not Applicable**
☒	Other Creston Advisory Body	**Attached**
☒	Other Bicycle Advisory 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
☒ North County Area Plan/El Pomar-Estrella SA
☐ 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:

- Access and Site Distance Evaluation and Trip Generation Analysis for August Ridge Winery; Orosz Engineering Group, Stephen Orosz; August 29, 2006; located at 8790 East Highway 41, Creston, CA.

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.

Biological Mitigation
San Joaquin Kit Fox

The project **Backer Minor Use Permit DRC2014-00144,** will impact **.02** acres of San Joaquin kit fox habitat. Based on the results of previous Kit Fox Habitat Evaluations that have been conducted for the **El Pomar-Estrella** area, Bob Stafford from the Department of Fish and Game (Department) has determined that the standard mitigation ratio for projects on parcels less than 40 acres in size has been established as **1:1**. This means that for every acre of disturbance resulting from project activities (e.g. pad for buildings, access roads, leach fields etc.), the applicant would be required to mitigate a total of **1** acre of habitat. Applicants have the option of hiring a qualified biologist to conduct a Kit Fox Habitat Evaluation of the project site if the applicant believes that the evaluation would lower the score and reduce the required mitigation ratio. However, the applicant has chosen to accept the standard mitigation ratio of **(1:1)** which requires that a total compensatory acreage of **0.02** acres based on **1** times **0.02** acres impacted. The mitigation options identified in BR-1 through BR-11 apply **to the proposed project only**; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

BR-1 Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:

a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of **0.02** acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

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

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

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy," would total $**51**.00. This fee is calculated based on the current cost-per-unit of $2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; your actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

c. Purchase **0.02** credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c) above, can be completed by purchasing credits from the Palo Prieto Conservation Bank (see contact information below). The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank, and would total $**51.00**. This fee is calculated based on the current cost-per-credit of $2500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. Your actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

BR-2 Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction,** the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.

b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site- disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

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

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

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

1. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

a) Potential kit fox den: 50 feet
b) Known or active kit fox den: 100 feet
c) Kit fox pupping den: 150 feet

2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

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

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

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

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

BR-6 During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

BR-7 During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.

BR-8 During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract

San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

BR-9 Prior to, during and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

BR-10 During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.

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

a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".

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

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

Water

W-1 Prior to final inspection, a 1:1 water off-set shall for all new water usage, shall be completed, such as the removal of 1,250 square feet of lawn area.

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

March 11, 2016

Agent: Kirk Consulting
8830 Morro Rd.
Atascadero, CA, 93422

SUBJECT: DEVELOPER'S STATEMENT FOR THE BACKER MINOR USE PERMIT / DRC2014-00144

To Whom it May Concern:

The initial study for the above referenced application has indicated that potentially significant environmental impacts may occur with the development of the project. In order to issue a mitigated negative declaration, which is a statement that all potentially significant impacts can be mitigated to insignificant levels, an agreement called a Developer's Statement can be executed where the applicant agrees to perform certain actions that will become part of the project. Please review the enclosed Developer's Statement. If you are in agreement with this Statement, please have the owner(s) sign, date and return it to my attention at the Department of Planning and Building so we may complete the environmental review process.

If you have any questions, concerns, or comments about this Developer's Statement, or would like to suggest alternate mitigation measures that would work better with your project, please contact me at (805) 781-1162 or hphipps@co.slo.ca.us.

Sincerely,

Holly Phipps

Project Manager
Holly Phipps

SLO COUNTY
PLANNING/BUILDING
DEPT

2016 MAR 30 AM 11: 16

DATE: MARCH 11, 2016

DEVELOPER'S STATEMENT
FOR BACKER MINOR USE PERMIT/ DRC2014-00144

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

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, is responsible to verify compliance with these COAs.

Biological Mitigation
San Joaquin Kit Fox

The project **Backer Minor Use Permit DRC2014-00144,** will impact **.02** acres of San Joaquin kit fox habitat. Based on the results of previous Kit Fox Habitat Evaluations that have been conducted for the **El Pomar-Estrella** area, Bob Stafford from the Department of Fish and Game (Department) has determined that the standard mitigation ratio for projects on parcels less than 40 acres in size has been established as **1:**1. This means that for every acre of disturbance resulting from project activities (e.g. pad for buildings, access roads, leach fields etc.), the applicant would be required to mitigate a total of **1** acre of habitat. Applicants have the option of hiring a qualified biologist to conduct a Kit Fox Habitat Evaluation of the project site if the applicant believes that the evaluation would lower the score and reduce the required mitigation ratio. However, the applicant has chosen to accept the standard mitigation ratio of **(1:1)** which requires that a total compensatory acreage of **.02** acres based on **1** times 0**.02** acres impacted. The mitigation options identified in BR-1 through BR-11 apply **to the proposed project only**; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

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a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of **.02** acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

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

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

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b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site- disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

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a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".

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

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

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

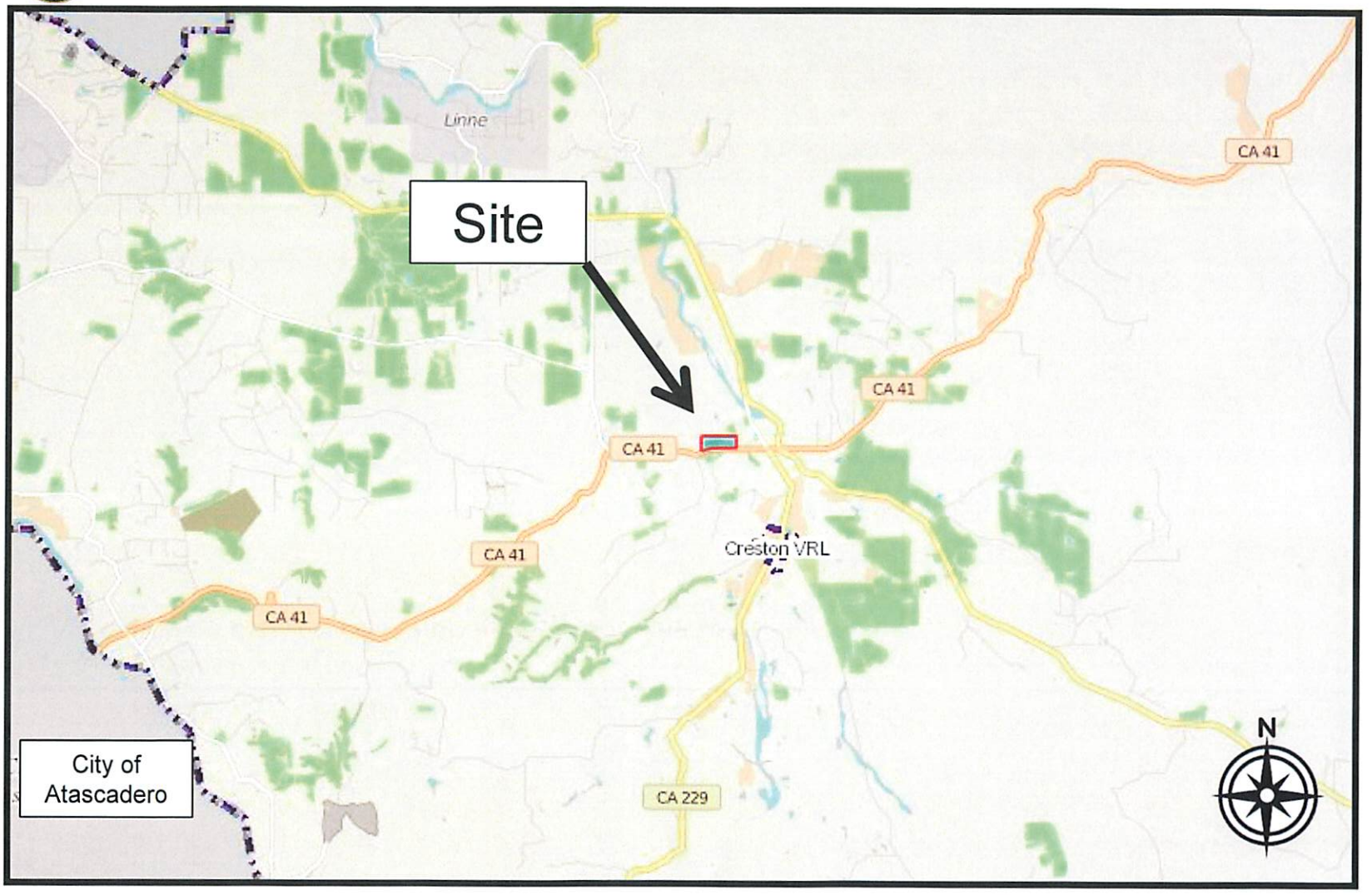
Water

W-1 Prior to final inspection, a 1:1 water off-set shall for all new water usage, shall be completed, such as the removal of 1,250 square feet of lawn area.

Monitoring: Department of Planning and Building shall verify compliance.

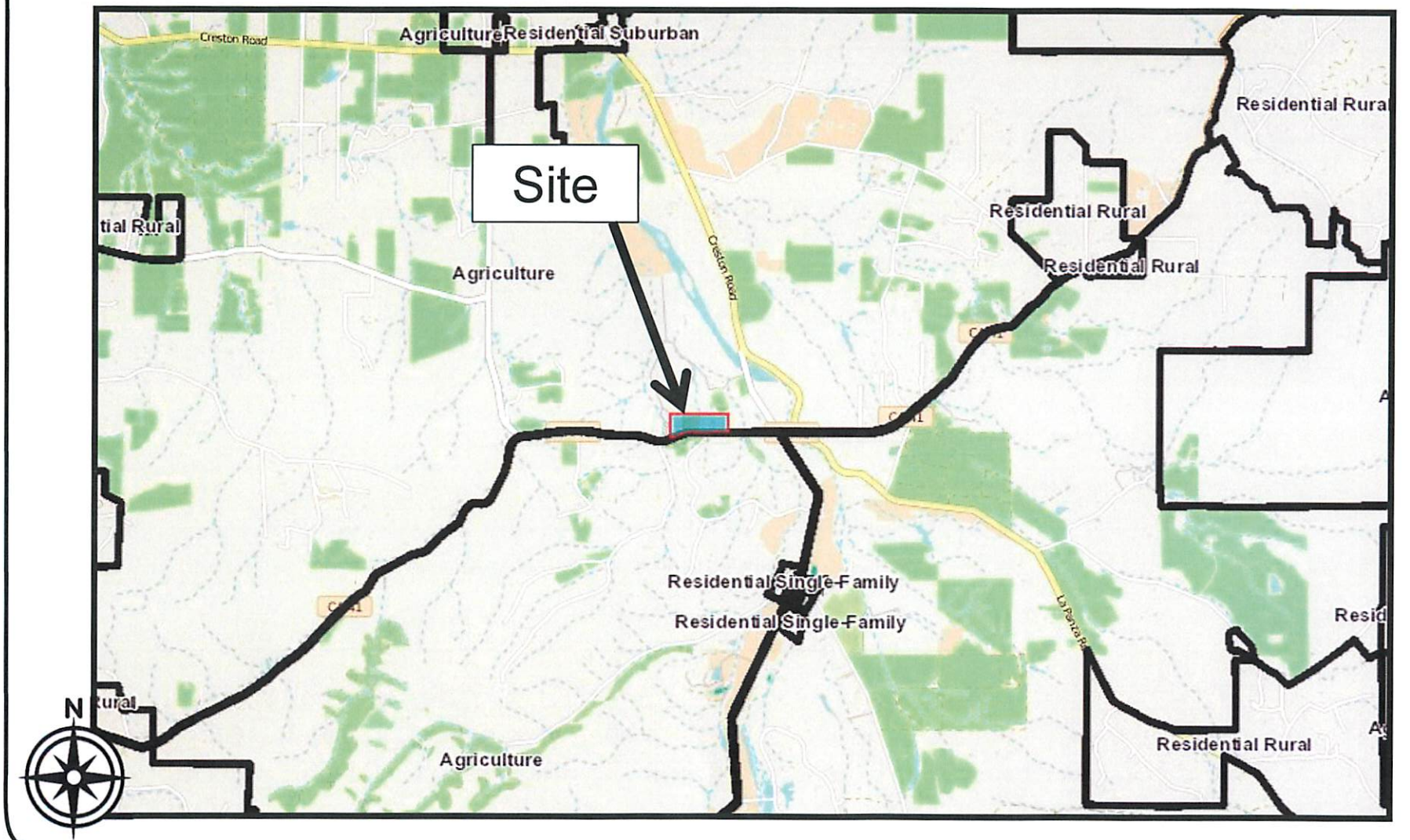
The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts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

Signature of Owner(s)	Name (Print)	Date
John Backer	John BACKER	14 MAR 2016
Jill Cori	Jill Cori BACKER	14 MAR 2016



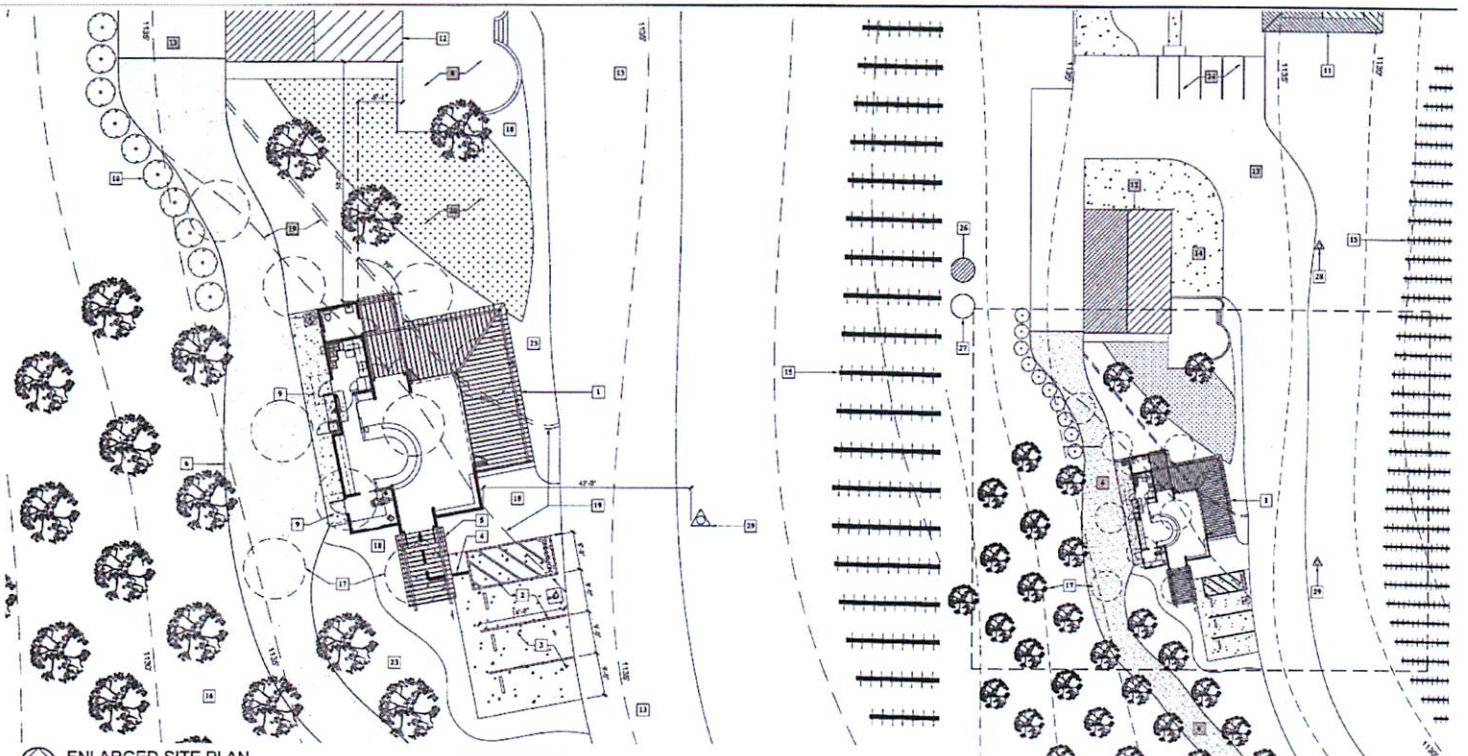
Minor Use Permit
Backer / DRC2014-00144

Vicinity Map



Minor Use Permit
Backer / DRC2014-00144

Land Use Category Map



ENLARGED SITE PLAN
SCALE : 1" = 10'-0"

OVERALL SITE PLAN
SCALE : 1" = 200'-0"

SITE AREA PLAN
SCALE : 1" = 20'-0"

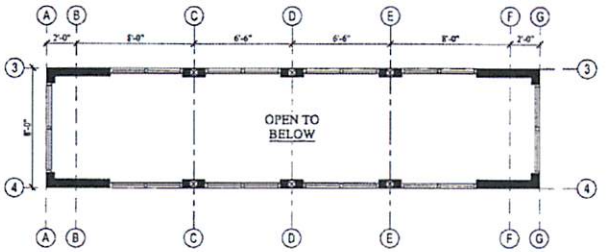
NORTH

KEYNOTES:

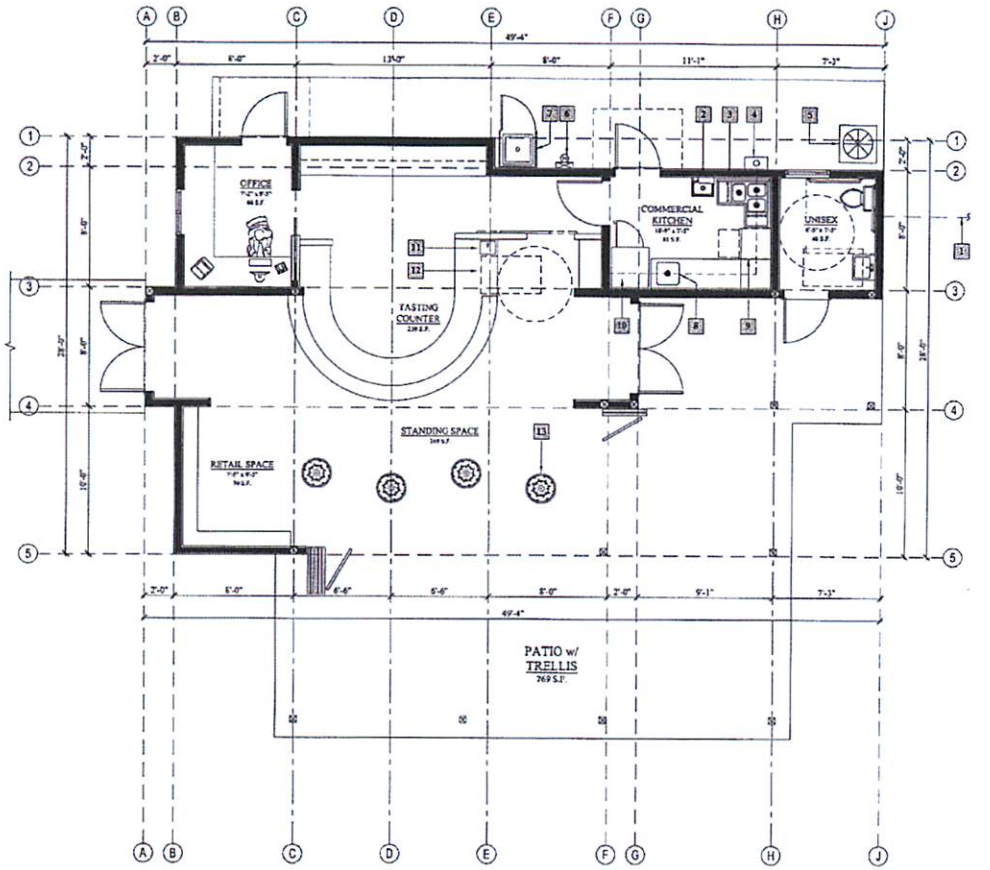
1. PROPOSED TASTING ROOM.
2. (N) VAN ACCESSIBLE PARKING SPACE AND SIGN.
3. (2) (N) STANDARD PARKING SPACES.
4. ACCESSIBLE PATH OF TRAVEL, TO TASTING ROOM, MAX. SLOPE 5% IN DIRECTION OF TRAVEL; MAX. CROSS SLOPE 2% IN ANY DIRECTION.
5. (N) ENTRY PERGOLA.
6. (N) 12' WIDE PRIVATE ONE-WAY COMPACTED DIRT DRIVEWAY.
7. (N) "DO NOT ENTER" SIGN.
8. (E) PATIO TO REMAIN.
9. LEVEL CONCRETE LANDING.
10. (N) CYPRESS WINDBREAK.
11. (E) RESIDENCE NOT A PART.
12. SEE SHEET A2.2 FOR EXISTING MAIN FLOOR PLAN.
13. (E) COMPACTED DIRT DRIVEWAY.
14. (E) CONCRETE PAD.
15. (E) VINEYARD.
16. (E) OLIVE TREE GROVE.
17. (E) OLIVE TREE TO BE RELOCATED; TYP. OF 10.
18. PLANTER.
19. (E) PRIVATE ACCESS DRIVEWAY TO BE ABANDONED.
20. 1,250 S.F. OF (E) TURF TO BE REMOVED AND REPLACED WITH PERMEABLE DECOMPOSED GRANITE.
21. OVERFLOW EVENT PARKING, 32 VEHICLES x 400 S.F. = 12,800 S.F.
22. PRIMARY & SECONDARY SITE ACCESS. SECONDARY VEHICLE GATE TO REMAIN UNLOCKED DURING EVENTS.
23. GRAVEL.
24. EXISTING PARKING AREA.
25. (E) 5,000 GALLON POLYCARBONATE WATER STORAGE TANK TO BE REPLACED WITH A 10,000 GALLON STEEL WATER STORAGE TANK.
26. RELOCATE REPLACED POLY. WATER STORAGE TANK AS SHOWN AND CONNECT AS ADDITIONAL RECLAMATION STORAGE TANK.
27. (E) POLY. RECLAMATION STORAGE TANK TO REMAIN & PROTECT.
28. (E) 4" FIRE RISER TO REMAIN.
29. (N) 4" FIRE RISER TO SERVE TASTING ROOM, CONNECT TO (E) LATERAL.
30. (E) KNOX BOX AT VEHICLE GATE TO BE UPGRADED TO MEET CURRENT CALFIRE STANDARDS.

Minor Use Permit
Backer / DRC2014-00144

Site Plan



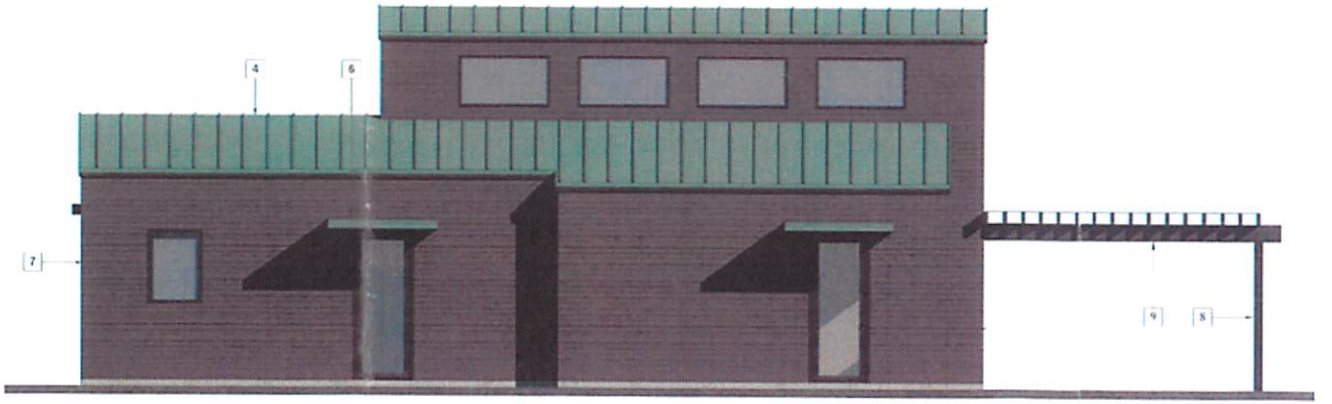
CLERESTORY PLAN
SCALE : 1/4" = 1'-0"



Minor Use Permit
Backer / DRC2014-00144

Floor Plan

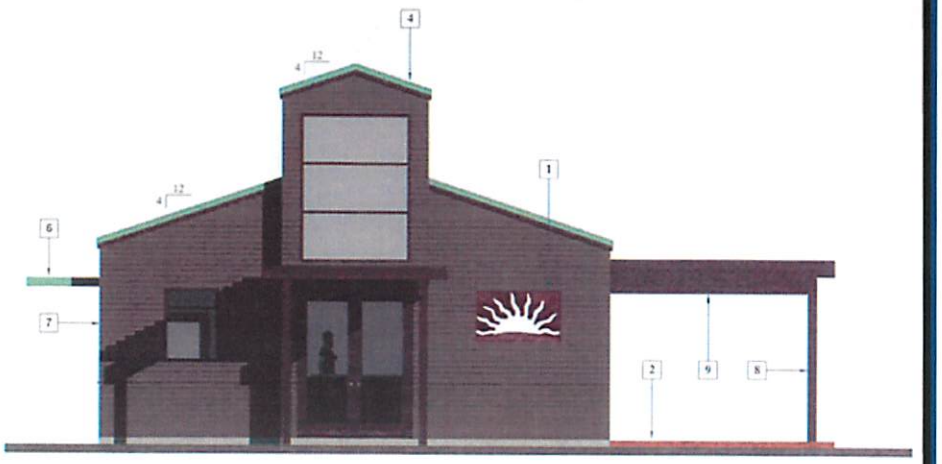
EAST ELEVATION



WEST ELEVATION

Minor Use Permit
Backer / DRC2014-00144

East and West Elevations



SOUTH ELEVATION

NORTH ELEVATION

Minor Use Permit
Backer / DRC2014-00144

South and North Elevations

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS

Wade Horton, 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

Date: June 8, 2015

To: Holly Phipps, Project Planner

From: Tim Tomlinson, Development Services

Subject: Public Works Comments on DRC2014-00144 Backer MUP, HWY 41, Creston, APN 035-111-022

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 Comments:

A. The proposed project does not trigger road improvements per Resolution 2008-152.

B. The proposed public serving project site is not located further that 1-mile from a collector or arterial (22.30.070D2a). HWY 41 is designated an arterial.

C. The project is located within the Paso Robles Groundwater Basin and must follow the adopted water conservation requirements of the Paso Robles Groundwater Basin Plan.

D. The proposed project is located outside all Road Improvement Fee areas.

E. Recommend that a project referral be sent to Caltrans for their comments on potential impacts to State Route 41.

Recommended Project Conditions of Approval:

Access

1. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc without a valid Encroachment Permit issued by Caltrans.

2. **On-going condition of approval (valid for the life of the project)**, the property owner shall be responsible for operation and maintenance of public road frontage landscaping in a viable condition and on a continuing basis into perpetuity.

3. **On-going condition of approval (valid for the life of the project),** 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

4. **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).

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

THIS IS A NEW PROJECT REFERRAL

DATE: 6/3/2015

TO: FIRE

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

PROJECT DESCRIPTION: DRC2014-00144 BACKER – Proposed minor use permit to construct a new building of 984 sf for a tasting room, commercial kitchen, office and restroom; convert current tasting room of 700 sf to additional production area; and host six special events annually for up to 80 people (no amplified music after 5 pm). Site location is 8790 E Highway 41, Creston. APN: 035-111-022

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.

SEE FIRE SAFETY PLAN.

Date	Name	Phone
8/10/15	BULLARD	543-4244

CAL FIRE
San Luis Obispo
County Fire Department

635 N. Santa Rosa • San Luis Obispo, CA 93405
Phone: 805-543-4244 • Fax: 805-543-4248
www.calfireslo.org

Robert Lewin, Fire Chief

August 10, 2015

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

Subject: DRC2014-00144 (August Ridge Winery) – *previously approved M.U.P. DRC2005-00270*

Ms. Phipps,

I have reviewed the New Project Referral and associated building plans submitted for the request to construct a new 984 square foot tasting room structure. The request also includes the conversion of 700 square feet of space currently utilized for tasting within an existing production facility and an events program consisting of 6 annual events with no more than 80 people each. The proposed wine tasting building and existing winery operation are located at 8790 Hwy. 41 East near Creston, CA. The project site is located within lands classified as State Responsibility Area (SRA) having a ***"High"*** Fire Hazard Severity Zone rating with an approximate *5* minute response time from the nearest CAL FIRE/County Fire station (#50-Creston).The project and applicant shall comply with the 2013 CA. Building Code (C.B.C), the 2013 CA. Fire Code (C.F.C.), the Public Resources Code (P.R.C.) and any other applicable fire/building codes.

Concerns:
The cumulative effects of special events (industry wide included) and increased commercial operations within areas such as this continue to place significant challenges upon the ability of CAL FIRE/County Fire to provide effective and efficient services within rural areas.

The following are requirements that must be satisfied prior to occupancy being granted for any of the structures involved with this permit.

- *A total coverage heat/smoke detection system meeting the design criteria and requirements of N.F.P.A 72 (National Fire Protection Association) is required to be installed within the proposed structure. This new system shall properly interface with the existing system. Three sets of plans shall be provided to the County Fire Department for review and approval.*
- A minimum 10,000 gallon galvanized steel water storage tank shall be required. An additional gravity drain fire connection shall be located near the proposed structure.

- *COMMERCIAL HOOD SYSTEM* – If requested and approved, commercial kitchen operations will require a commercial hood/fire suppression system meeting all relative standards.
- *ALARMS* – The required heat/smoke detection must comply with all relative standards set forth within N.F.P.A. 72. All new alarm systems must be interconnected to the existing system(s). System must be installed by properly licensed contractor.
- *ACCESS* - The existing vehicular access and proposed commercial fire lane(s) either meet or exceed all relative minimum standards for the currently proposed development.
- *DEFENSIBLE SPACE* (vegetation clearance) – Current conditions must meet all relative minimum standards for providing defensible space from the adverse effects of wildland fires.
- *ADDRESSING* – The existing address numbering must meet commercial standards.
- *GATE(S)* – The existing gates either meet or exceed all relative minimum standards for width emergency access and setback from the highway. The CA. Dept. of Transportation must be consulted prior to any additional encroachment work being done.

Public Assemblage and Events

Prior to Fire Department Review, proposed event area must first complete all requirements pursuant to Title 22, the San Luis Obispo County Land Use Ordinance. This includes receiving any necessary land use permit approval and issuance of construction and Conditional Use Permit requirements.

A fire safety review is required to ensure public safety in a place of assembly, or any other place where people congregate, including but not limited to; amusement buildings, carnivals and fairs, exhibits and trade shows, open burning, flames and torches, candles, places of assembly, temporary membranes structures and tents, pyrotechnics and special effects, live audiences and any event with public attendance over 250. The Fire Code Official shall have the authority to order the development of, or prescribe a plan for, the provision of an approved level of public safety.

A written plan must be submitted to the Fire Code Official 30 days prior to the event. Written submittal requirements will be in accordance with Section 404 Fire Safety and evacuation plans. **A field inspection verifying compliance of fire and life safety conditions must be conducted prior to public occupancy of the event.** If modifications or additions to the event areas are made, an updated permit & inspection must be completed. Local Ordinance and California Fire Code (CFC) section 105.

Any time a tent, canopy or membrane structure in excess of 400 square feet is erected; it must be placed and utilized in accordance with California Fire Code – Chapter 24. The applicant shall be required to notify County Fire a minimum of 48-hours in advance of any tent or membrane structure being placed on site. Submittal requirements can be found on line at www.calfireslo.org

Fire Safety and Evacuation Plans

Applicant shall provide a written Fire Safety plan whose contents shall be in accordance with sections California Fire Code Chapter 4 Emergency Planning and Preparedness. Employee training, record keeping, hazard communication and drills will also comply with this chapter. The written plan will include at a minimum the detail outlined in sections 404.3.1 (Evacuations Plans) and 404.3.2 (Fire Safety Plans).

Fire evacuation plans. Fire evacuation plans shall include the following:

1. Emergency egress or escape routes and whether evacuation of the building is to be complete or, where *approved*, by selected floors or areas only.
2. Procedures for employees who must remain to operate critical equipment before evacuating.
3. Procedures for assisted rescue for *persons* unable to use the general *means of egress* unassisted.
4. Procedures for accounting for employees and occupants after evacuation has been completed.
5. Identification and assignment of personnel responsible for rescue or emergency medical aid.
6. The preferred and any alternative means of notifying occupants of a fire or emergency.
7. The preferred and any alternative means of reporting fires and other emergencies to the fire department or designated emergency response organization.

8. Identification and assignment of personnel who can be contacted for further information or explanation of duties under the plan.
9. A description of the emergency voice/alarm communication system alert tone and preprogrammed voice messages, where provided.

Fire safety plans. Fire safety plans shall include the following:

1. The procedure for reporting a fire or other emergency.
2. The life safety strategy and procedures for notifying, relocating or evacuating occupants/event atendees, including occupants who need assistance.
3. Site plans indicating the following:
3.1. The occupancy assembly point.
3.2. The locations of fire hydrants.
3.3. The normal routes of fire department vehicle access.
4. Floor plans identifying the locations of the following:
4.1. Exits.
4.2. Primary evacuation routes.
4.3. Secondary evacuation routes.
4.4. Accessible egress routes.
4.5. Areas of refuge.
4.6. Exterior areas for assisted rescue.
4.7. Manual fire alarm boxes.
4.8. Portable fire extinguishers.
4.9. Occupant-use hose stations.
4.10. Fire alarm annunciators and controls.
5. A list of major fire hazards associated with the normal use and occupancy of the premises, including maintenance and housekeeping procedures.
6. Identification and assignment of personnel responsible for maintenance of systems and equipment installed to prevent or control fires.
7. Identification and assignment of personnel responsible for maintenance, housekeeping and controlling fuel hazard sources.

Notes:

As discussed during the onsite consultation conducted on 4/2/15, CAL FIRE/County Fire shall seek to work cooperatively with the applicant and their agent to enhance existing secondary access routes in order to help ensure the safety of those attending events at this site..

The proposed project(s) will require final inspection prior to occupancy. Please contact this office at (805)593-3490 to schedule the final inspection once all requirements have been satisfied.

If I may be of additional assistance regarding this matter, please do not hesitate to contact me at (805)543-4244, extension 3425.

Sincerely,

Clinton I. Bullard
Fire Inspector

C: Kirk Consulting, Agent

COUNTY OF SAN LUIS OBISPO
Department of Agriculture/Weights and Measures
2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
(805) 781-5910 • FAX (805) 781-1035
Martin Settevendemie
Agricultural Commissioner/Sealer
www.slocounty.ca.gov/agcomm
AgCommSLO@co.slo.ca.us

RECEIVED
JUN 29 2015
PLANNING & BUILDING

DATE: **June 26, 2015**

TO: **Holly Phipps, Project Manager**

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

SUBJECT: **Backer Minor Use Permit DRC2014-00144 (1831)**

The Agriculture Department's review finds that the proposed Backer minor use permit for the expansion of existing wine production facilities, a new 984 square foot tasting room, and a special events program for up to six events with a maximum of 80 attendees would have less than significant impacts to agricultural resources or operations. The Department recommends the following conditions to maximize the availability of water for agricultural production:

- Incorporate best management practices for water conservation purposes throughout winery facility.
- Maximize the use of pervious and semi-pervious areas in order to promote groundwater recharge, minimize erosion and sedimentation, and protect farmland for agricultural use.

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.

Project Description and Agricultural Setting

The project site is located at 8790 Highway 41 East, north of Creston. The 32-acre site is located within the Agriculture land use category and is developed with a residence, wine production facility, tasting room, and agricultural accessory structures as well as a wine grape vineyard and olive orchard. The project site is located over the Paso Robles groundwater basin. Agricultural uses in the area primarily consist of wine grape vineyards, olive orchards, and field crop production. The proposed development is located in close proximity to existing structures.

The proposal includes expanding production facilities by converting the existing tasting room into production and storage space. A new 984 square foot tasting room facility will be constructed to the south of the existing wine production facility. A special events program consisting of six special event with up to 80 people is also being requested. Consistent with Agriculture Element AGP 6, the proposal is beneficial to the local agricultural industry, the visitor serving uses are secondary to winery production for each phase of development, and the facilities are sited adjacent to existing roads and are compatible with future agricultural activities.

Impacts to Agricultural Resources

The proposed development would result in the expansion of existing wine production facilities, a new 984 square foot tasting room, and a special events program for up to six events with a maximum of 80 attendees. Impacts to agricultural resources will be less than significant, however, the Department recommends the following conditions to maximize the availability of water for agricultural production:

- Incorporate best management practices for water conservation purposes throughout winery facility.
- Maximize the use of pervious and semi-pervious areas in order to promote groundwater recharge, minimize erosion and sedimentation, and protect farmland for agricultural use.

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

RECEIVED

JUN 4 2015

THIS IS A NEW PROJECT REFERRAL

DATE: 6/3/2015

TO: Env. Health

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

PROJECT DESCRIPTION: DRC2014-00144 BACKER – Proposed minor use permit to construct a new building of 984 sf for a tasting room, commercial kitchen, office and restroom; convert current tasting room of 700 sf to additional production area; and host six special events annually for up to 80 people (no amplified music after 5 pm). Site location is 8790 E Highway 41, Creston. APN: 035-111-022

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. Thank you

6/5/15 — Date

[signature] — Name

x5551 — Phone

SAN LUIS OBISPO COUNTY HEALTH AGENCY

PUBLIC HEALTH DEPARTMENT
Environmental Health Services Division
2156 Sierra Way • P.O. Box 1489
San Luis Obispo, California 93406
805-781-5544 • FAX 805-781-4211

Jeff Hamm
Health Agency Director

Gregory W. Thomas, M.D., M.P.H.
Health Officer/Public Health Administrator

Curtis A. Batson, R.E.H.S.
Director of Environmental Health

December 27, 2006

John Backer
PO Box 451
Creston, CA 93432

RE: PERMIT #2006-268
APN# 035-111-018

A review of the well driller's report as submitted by **Miller Drilling**, on your property located in **Section 35, Township 27S, Range 13E,** in the County of San Luis Obispo, has been made and we are pleased to advise you that the well construction is approved.

This letter does not imply approval as to water quality.

RICHARD J. LICHTENFELS, R.E.H.S., M.P.H.
Supervising Environmental Health Specialist

c: County Assessor's Office
cc: Well Driller

P:EH/EH_Common/Document/Wells/Letters/Final Letter

COUNTY OF SAN LUIS OBISPO HEALTH AGENCY

Public Health Department

Jeff Hamm
Health Agency Director

Penny Borenstein, M.D., M.P.H.
Health Officer

Public Health
Prevent. Promote. Protect.

June 5, 2015

To: Holly Phipps
North County Team / Development Review

From: Environmental Health
Leslie Terry

Project Description: DRC2014-00144, Backer MUP
APN 035-111-022

Applicant to obtain a Health Permit with San Luis Obispo County Environmental Health Services for the commercial kitchen. Contact Brad Prior at (805) 788-2049 with any questions regarding the food facility permitting process. This kitchen will need to undergo plan check with this office prior to initiating construction.

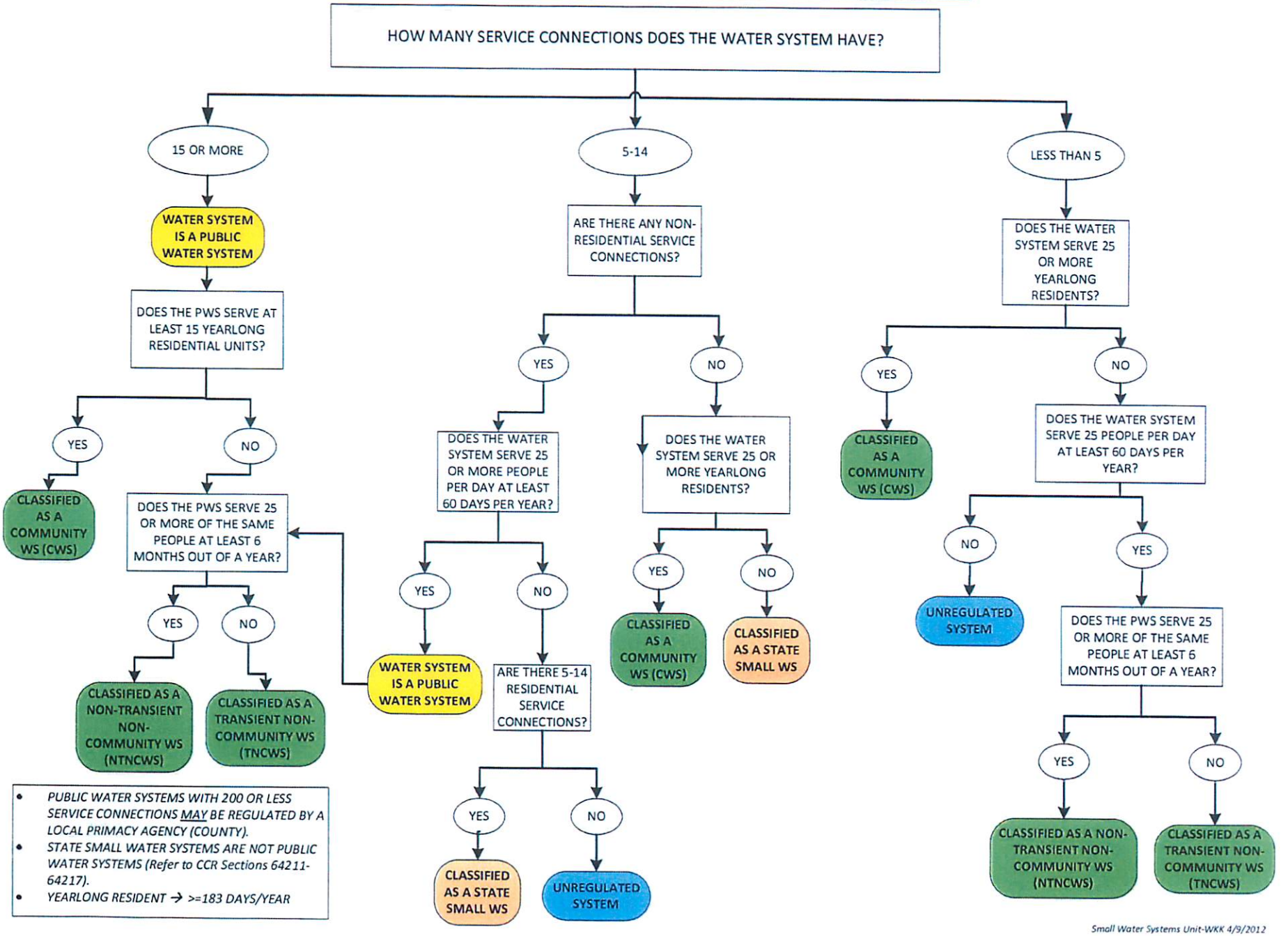
See attached guidance document for information on Food Facilities with Private Water Wells. In the event this facility will not have more than 25 persons per day on site for 60 days out of the year, then the water will be regulated as part of their food facility permit.

In the event the facility has more than 25 persons per day on site for 60 days out of the year (guests, staff etc.), an annual permit will be required for the water supply at this facility. See attached flow chart for information on types of water systems. Contact Leslie Terry at (805) 781-5551 with any questions regarding the water supply at this facility.

If plan review for cross connection determines a device is necessary, then an annual device test requirement shall be added as a condition of this MUP.

2191 Johnson Avenue, San Luis Obispo, California 93401
(805) 781-5500 FAX (805) 781-5543 www.SLOpublichealth.org

DECISION TREE FOR CLASSIFICATION OF WATER SYSTEMS



- *PUBLIC WATER SYSTEMS WITH 200 OR LESS SERVICE CONNECTIONS MAY BE REGULATED BY A LOCAL PRIMACY AGENCY (COUNTY).*
- *STATE SMALL WATER SYSTEMS ARE NOT PUBLIC WATER SYSTEMS (Refer to CCR Sections 64211-64217).*
- *YEARLONG RESIDENT → >=183 DAYS/YEAR*

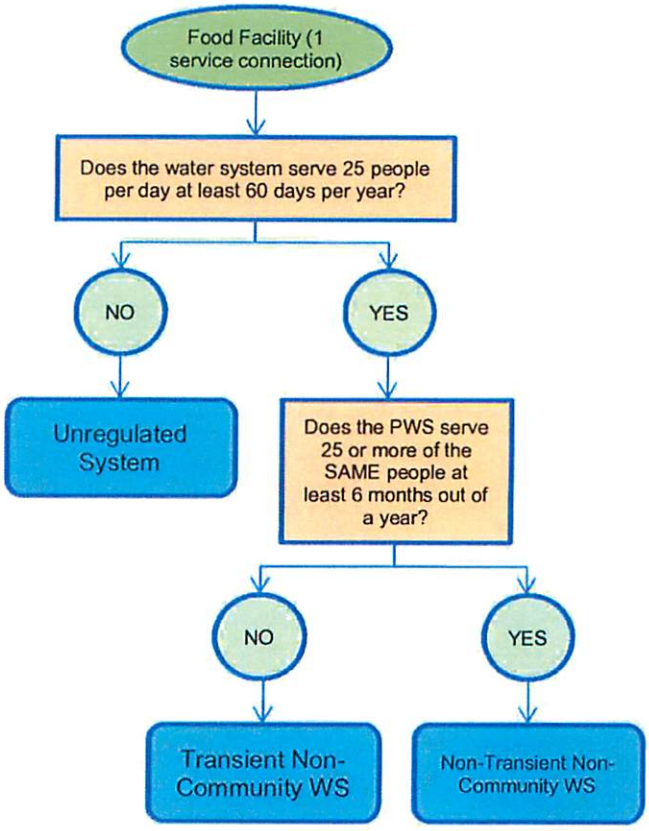
Small Water Systems Unit-WKK 4/9/2012

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.

Re: DRC2014-00144 BACKER, North County E-Referral, MUP, Creston

Michael Stoker to: **Holly Phipps** 06/12/2015 12:35 PM

Cc: **Cheryl Journey, Stephen Hicks**

From: **Michael Stoker/Planning/COSLO**

To: **Holly Phipps/Planning/COSLO@Wings**

Cc: Cheryl Journey/Planning/COSLO@Wings, Stephen Hicks/Planning/COSLO@Wings

Holly,

Please find the building departments comments for DRC2014-00144 below. Please let me know if you have any questions.

In regards to this preliminary review, a building permit is required. The drawings specify the work to be completed consists of a new 984 sq. ft building to be used as a tasting room, commercial kitchen, office, & restroom; covert existing tasting room of 700 sq. ft to additional production area. A California State licensed design professional (Architect/Engineer) shall prepare plans in compliance with current codes adopted by the County of San Luis Obispo (2013 California Building Standards Codes and Title 19 of the SLO County Codes).

While a thorough plan review will be conducted at the time of the building permit application, the following items are noted to assist design review;

1) A California licensed Architect or Engineer is required to submit the plans for this project per BPC 5536.1.
2) Specify the setback dimensions on the plans to verify the fire separation distance to verify compliance with CBC Chapter 6 and 7.
3) The fire and smoke protection features (i.e. exterior walls, projections, openings, rated wall assemblies, shaft enclosures, etc) shall be shown and detailed on the plans to comply with CBC, including Chapter 7.
4) Provide an occupant load and exiting analysis on the plans to verify compliance with CBC, including Chapter 10.
5) The accessibility elements throughout will need to be shown on the plans to comply with CBC, including Chapter 11B (i.e. parking, restroom dimensions, accessories, door swing and clearances, etc.)
6) The accessible bar will need to be provided with a portion of the bar that is 60"min in length and complies with CBC Section11B-902 per CBC 11B-226.
7) Provide isometric / single line drawings for the electrical, plumbing, and mechanical elements to verify compliance with the 2013 versions of the California Electrical, Plumbing, and Mechanical Codes.
8) Energy Calculations will need to be provided to verify compliance with 2013 California Energy Code.
9) Please provide plans which clearly show the structural design to verify compliance with the 2013 California Building Code and referenced standards. The plans and supporting calculations will need to be prepared by a California Licensed Design Professional (Architect or Engineer) justifying the structural

design.

10) The existing tasting room being converted into production area will require a separate permit. Please provide plans showing the new layout and design for the production area for review.
11) A fire sprinkler plans will be required for all structures in compliance with the current version of the California Fire Code.
12) Plans need to reflect compliance with the California Green Building Code and the counties green building ordinance.

Thanks

Michael Stoker
Building Division Supervisor, CASp
805.781.1543
PLANNING & BUILDING
COUNTY OF SAN LUIS OBISPO

Mail for PL_Referrals Group San Luis Obispo County Planning & Bu... 06/03/2015 03:32:32 PM

From: Mail for PL_Referrals Group
To:
Cc: Donna Hawkins/Planning/COSLO@Wings, Marti Fisher/Planning/COSLO@Wings
Date: 06/03/2015 03:32 PM
Subject: DRC2014-00144 BACKER, North County E-Referral, MUP, Creston
Sent by: Marti Fisher

San Luis Obispo County
Planning & Building Department

DRC2014-00144 BACKER, North County E-Referral, MUP, Creston

****

The attached application was recently filed with the Planning Department for review and approval. Because the proposal may be of interest or concern to your agency or community group, we are notifying you of the availability of a referral on the project.

Please comment on all issues that you see may be associated with this project.

Please respond to this referral within 14 days of receiving this e-mail.

Community Advisory Groups, please respond within 60 days of receiving this e-mail.

Direct your comments to the planner, Holly Phipps at 781-1162 or hphipps@co.slo.ca.us.

****

Community Advisory Groups: You will want to contact the applicant and/or agent for the project to request a presentation to your group, or simply to answer questions about the project. The telephone

number and address for the applicant/agent are provided in the link below.

****

Direct link to BACKER referral package

Link to webpage for all referral packages: http://www.slocounty.ca.gov/planning/referrals.htm

Web-Page Referral Form
Date: 06/3/2015
Planner: Holly Phipps
Applicant Name: BACKER
Case Number: DRC2014-00144
Project Description: MUP
APN: 035-111-022

****

Referral Response:
As part of your response to this referral, please answer the following questions. You may also choose to respond that you have no comments regarding the proposal.

Agencies:
Are there significant concerns, problems or impacts in your area of review?
If Yes, please describe the impacts along with any recommendations to reduce the impacts in your response.

Community Advisory Groups:
If your community has a "vision" statement in the Area Plan - does the community feel this project helps to achieve that vision? If No, please describe.

What does the community like or dislike about the project or proposal?

Is the project compatible with surrounding development, does it fit in well with its surroundings? If No, are there changes in the project that would make it fit in better?

Does the community believe the road(s) that provide access to the site is(are) already overcrowded?

Does the community wish to have a trail in this location?

If the proposal is a General Plan Amendment, does the community feel the proposed change would encourage other surrounding properties to intensify, or establish intense uses that would not otherwise occur?

Please make any other comments regarding the proposal.

Thank you,

Donna Hawkins
Current Planning Division
dhawkins@co.slo.ca.us
805-788-2009
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Creston Advisory Body Recommendation

Chairperson: Sheila Lyons, 805-239-0917, P.O. Box 174 Creston CA 93432, salyons@airspeedwireless.net

From: **Date:** July 16th, 2015

CAB Area # 1 - Creston West
Representative's Name – Sheila Lyons
Phone: 239-0917 [Email] - salyons@airspeedwireless.net

To: **San Luis Obispo Department of Building and Planning**

Planner – Holly Phipps, North County Tem/Development Review
Phone: 781-1162
hphipps@co.slo.ca.us
San Luis Obispo County, CA

Copies to: John & Jill Backer

Project Specifics:

John & Jill Backer
[App/Permit - type and associated numbers] - DRC2014-00144
[Project location - by address] - 8790 E. Highway 41, Creston

Dates: Presented to CAB by John Backer, owner on July 15th, 2015

Specific Issues: [Items discussed by CAB as concerns including remediation suggestions if applicable. Consider design, compatibility with existing development, community goals & vision, available services and resources, and environmental impacts]

a. Project owner, John Backer, presented renderings of the proposed new tasting room structure for August Ridge Winery. There was a general agreement that the design is consistent with the architecture currently exisiting on the site and in the community.

b. There were the usual concerns about whether the project will use more water than is currently being used. The applicant explained that the increased usage is minimal (O.066AF/yr) but none the less will be offset with the removal of an equivalent amount of water consuming turf. This was favorable news to all present. The applicant continued to explain that there is an existing water reclaimation system on site that will be expanded as part of this application and that this system captures the water used in the winery and reuses this water on the site for irrigation.

c. The question of whether there would be increased traffic was addressed. The winery is on a state highway which already has a good amount of traffic. The addition of around 3 cars per day, on the days the winery is open, is minimal and acceptable to everyone.

d. On site parking issues were covered in the presentation, indicating that there is sufficient parking for the events being proposed in this application.

e. The fact that this is a family owned operation, with the owners living on the property, was of great significance to those present at CAB. The August Ridge Winery operation is consistent with the Creston Community Long Range Vision of supporting activities related to a rural agrarian lifestyle and maintaining family operated businesses.

f. Present at CAB were Creston Community leaders, president of the Women's Club, president of the Garden Club, chairperson of the CATCH fund (Community Center), as well as other officers from these clubs who expressed whole-hearted support for the August Ridge project.

f. August Ridge, through it's owners, John & Jill Backer, provide local jobs, contribute to local fund raising efforts for the community, add value to local properties in general and demonstrate strong commitment to maintaining qualities that are most cherished by the Creston community.

Conclusions: The CAB members and all the public present were united in their approval for this project. No objections lingered, as all inquiries were fully addressed to everyone's satisfaction. The applicants were praised for their efforts to "do things right". This project will be a positive addition to the community. The CAB members and the public present enthusiastically recommend approval of this project.

Final Vote: ___6___ In Favor ___0____Opposed __0____Abstained

Signatures:

CAB Area # 1 & Representative - Sheila Lyons

Chairperson, Sheila Lyons

Sheila A. Lyons