



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

*Promoting the wise use of land*

*Helping build great communities*

## Tentative Notice of Action

MEETING DATE July 18, 2014	CONTACT/PHONE Holly Phipps / 781-1162 / hhipps@co.slo.ca.us	APPLICANT Pedro Vargas	FILE NO. DRC2013-00006
EFFECTIVE DATE August 2, 2014			
SUBJECT: Hearing to consider a request by <b>PEDRO VARGAS</b> for a Minor Use Permit to allow the construction of a 3,000 square foot (sf) wine processing facility. The project will result in the disturbance of approximately 4,275 sf on a 17.71 acre parcel. No special events and no public tasting are proposed. Wine production is estimated at 5,000 cases per year. The applicant requests a waiver of the minimum 100 foot setback to property line requirement to allow a 50 feet (rear) setback. The proposed project is within the Agriculture land use category and is located at 950 Indian Dunes Rd. (private road), approximately 1,500 feet north of Pear Valley Way, and approximately 2 miles west of San Miguel. The site is in the Salinas River planning area.			
RECOMMENDED ACTION 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Minor Use Permit DRC2013-00006 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION: The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on May 15, 2014 of issuance for this project. Mitigation measures are proposed to address aesthetics, biological resources, air quality, geology and soils, public services/ utilities, and wastewater, and water/hydrology and are included as conditions of approval.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 027-051-028	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: Section 22.104.202.I. Water Off-set Requirements			
LAND USE ORDINANCE STANDARDS: Section 22.30.070 Agricultural Processing Uses, Section 22.62.050 Minor Use Permit Approval, Section 22.10.140 Setbacks, Section 22.10.090 Heights, Chapter 22.18 Parking and loading, Section 22.10.180 Water quality, Section 22.10.120 Noise Standards. Does the project conform to the Land Use Ordinance standards? Yes - see discussion			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 <sup>th</sup> day following the administrative hearing, or on August 2, 2014, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			

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ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:  
COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242

EXISTING USES: Single family residence, garage	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture; agricultural uses <i>East:</i> Agriculture; agricultural uses <i>South:</i> Agriculture; single-family residence <i>West:</i> Agriculture; agricultural uses, single-family residence	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Agricultural Commissioner, CAL FIRE, Building Division, RWQCB, and San Miguel Area Advisory Council	
TOPOGRAPHY: Gently sloping level to moderately sloping	VEGETATION: Shrubs and non-native grasses
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CAL FIRE	ACCEPTANCE DATE: October 22, 2013

**PROJECT DESCRIPTION:**

The project includes the construction of a 3,000 square foot (sf) wine processing facility. No public tasting and no special events are proposed. Wine industry wide events are allowed by ordinance.

The proposed project is a production winery operation that will produce approximately 5,000 cases per year. The operation is proposed to include on-site crushing, fermentation, barrel aging, blending, bottling, and case good storage. At this time, the proposed winery will process grapes solely from off-site, however, in the future onsite grape production may occur and those grapes could also be processed at this facility.

## LAND USE ORDINANCE STANDARDS

### Ordinance Compliance:

The project is subject to Land Use Ordinance section 22.30.070.D.(2), wineries. Section 22.30.070 sets forth standards for winery development including but not limited to access, setbacks, parking, design, screening, height, lighting and tasting rooms.

<u>Standard</u>	<u>Allowed/Required</u>	<u>Proposed</u>
<b>Minimum Site Area</b>	NA	17.71 acres
<b>Access location</b>	Wineries without tasting	No access requirements
<b>Setbacks from property lines:</b>	Winery Processing Facility	
<b>Front</b>	100 feet	> 100 feet
<b>Sides</b>	100 feet	> 100 feet
<b>Rear</b>	100 feet	50 feet (modification required)
<b>Setbacks from residences outside of the ownership of the applicant.</b>	200 feet (all sides)	200+ feet (all sides)
<u>Standard</u>	<u>Allowed/Required</u>	<u>Proposed</u>
<b>Height</b>	35 feet	25 feet
<b>Parking</b> 1 per 2,000 sq ft active 1 per 5,000 sq ft of storage	1,500/2,000 = 0.75 1,500/5,000 = 0.3 Total = 1.05	2 total space required Ample room exists on site for parking.

### **ORDINANCE MODIFICATIONS:**

Setbacks.

Per Section 22.30.070, setbacks may be modified through a Minor Use Permit. Approval may be granted only after the Review Authority first determines that the request satisfies any of the following findings:

- (1) there is no feasible way to meet the required setbacks without creating environmental impacts or impacting prime agricultural land (SCS Class I, II and III);
- (2) the property fronts an arterial or collector street;
- (3) the setbacks are not practical or feasible due to existing topographic conditions or existing on-site vegetation or
- (4) is a legally constructed existing structure that was built prior to 1980 and it can be clearly demonstrated that the structure was intended for a legitimate agricultural or residential use.

The Land Use Ordinance states that a wine processing facility shall be setback 100 feet from each property line. The applicant requests a waiver of the minimum 100 foot setback to property line requirement to allow 50 feet (rear property line).

The proposed project meets number (3) because the setbacks are not practical due to the existing conditions on the property. Average slopes on the property are 15 percent. By locating the winery building at the proposed location, grading impacts would be reduced due to the topography and the existing underground utility lines that would need to be removed and relocated. Therefore, it appears that the project would qualify for an adjustment to the setback requirement and that granting the adjustment would not result in significant land use conflicts.

**ENVIRONMENTAL:** The subject property is within the Paso Robles Ground Water Basin. The Paso Robles Ground Water Basin Resource Capacity Study (RCS) has found that the Basin's demand is approaching its safe yield. The RCS has also found that groundwater levels are generally dropping throughout the basin, resulting in dry wells and causing property owners to drill deeper wells. The Board of Supervisors has directed several actions in order to address the continuing groundwater problems. These actions would 1) allow no further creation of additional rural parcels that will raise the demand for water in the basin; 2) would require discretionary land uses to offset new pumping from the basin; 3) develop a special landscape irrigation ordinance for the basin area; and 4) establish specific growth limits in the basin.

Based on the project description, the winery proposes to produce 5,000 cases which would require 938 gallons per day during peak production and 396 during non-peak.

Winery wastewater will be pumped from the processing area into treatment storage tanks where it will be treated. Winery wastewater will be recycled and land applied when needed. This will help with ground water recharge.

Ordinance standards (Section 22.104.020.I.) require that new construction off-set their use at a 2:1 basis. Prior to final inspection or occupancy, the applicant will need to comply with ordinance standards by providing information on how the new water demand will be off-set.

**COMMUNITY ADVISORY GROUP COMMENTS:** San Miguel Area Advisory Body voted - 7 members in favor, 0 opposed.

**AGENCY REVIEW:**

Public Works - No concerns;

Building Division – All plans shall be prepared by a CA licensed Architect of Record;

Environmental Health – Verify water supply adequacy and potability;

Ag Commissioner- No significant issues;

CAL FIRE – No comments submitted, CAL FIRE did complete a site visit and had no concerns via our phone conversation;

Regional Water Quality Control Board- No comments received.

**LEGAL LOT STATUS:**

The one existing parcel is Lot 5 of the Ames and Lightfoot Tract according to map recorded July 15, 1920 in Book 2, Page 51 of Maps, and was legally created by issuance of a building permit (permit #C9444) at a time when that was a legal method of creating parcels per Section 66499.34 of the Subdivision Map Act.

Staff report prepared by Holly Phipps and reviewed by Bill Robeson.