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ATTACHMENT 03
COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

Tentative Notice of Action

MEETING DATE May 6, 2011	CONTACT/PHONE Holly Phipps 781-1162 hhipps@co.slo.ca.us	APPLICANT Wallace Brohaugh	FILE NO. DRC2009-00109
EFFECTIVE DATE May 21, 2011			
SUBJECT: A request by Wallace Brohaugh for a Minor Use Permit to allow for the conversion of an existing 2,000 sq.ft. agricultural barn into a wine processing facility to include a 500 sq.ft. tasting room. The project includes a request for 6 special events per year, with no more than 80 attendees, in addition to industry-wide events. The project will result in approximately 3,600 sq.ft. of site disturbance to the driveway access on a 130 acre site. The proposed project is within the Agriculture land use category and is located on the north side of Creston Road (at 6992 Creston Road), approximately 2.5 miles east of the City of Paso Robles. The site is located in the El Pomar-Estrella 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 DRC2009-00109 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 Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on March 24, 2011 for this project. Mitigation measures are proposed to address Agricultural Resources, Air Quality, and Transportation/ Circulation and are included as conditions of approval.			
LAND USE CATEGORY Agriculture (in O.S.C.)	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 035-091-007 & 035-081-003	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: Light and glare			
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 22.04.190 Fencing and Screening, Chapter 22.20 Sign Ordinance, Section 22.10.180 Water quality, Section 22.10.120 Noise Standards, Section 22.30.610 Temporary Events. 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 th day following the administrative hearing, or on May 21, 2011, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
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: Two Single-family dwellings, accessory structures	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture / Single-family residences <i>East:</i> Agriculture / Single-family residence <i>South:</i> Agriculture / Agricultural uses - vineyards <i>West:</i> Agriculture / Agricultural uses - grazing	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Agricultural Commissioner, CAL FIRE, RWQCB, APCD, Cal Trans, and Creston Advisory Body	
TOPOGRAPHY: Gently sloping to steeply sloping	VEGETATION: Vineyards, scattered oak trees, ornamental landscaping
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CAL FIRE	ACCEPTANCE DATE: September 21, 2010

PROJECT DESCRIPTION:

The proposed project is a production winery operation in which every aspect of wine making is conducted on-site: harvest, crushing, fermentation, barrel aging, blending, bottling, case storage and retail sales. The anticipated production is 5,000 cases annually from primarily on-site and some off-site grapes.

The project includes the conversion of an existing 2,000 sq.ft. agriculture exempt building into a wine processing facility to include the following:

- 946 sq.ft. wine processing and barrel storage;
- 500 sq.ft. tasting room;
- 175 sq.ft. office;
- 168 sq.ft. lab;
- 72 sq.ft. case storage;
- 72 sq.ft. restroom;
- 67 sq.ft. misc. storage.

The project includes a request for 6 Special Events per year, with no more than 80 attendees, in addition to industry-wide events as allowed by the Land Use Ordinance. Additionally, the applicant may hold unadvertised events for no more than 50 people.

LAND USE ORDINANCE STANDARDS:

Ordinance Compliance:

The project is subject to Land Use Ordinance section 22.30.070D(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>
Access location	Wineries with tasting room, retail sales, special events located on or within 1 mile of arterial or collector	Access off Creston Rd., a collector
Minimum Site Area	No minimum	130 acres
Setbacks from property lines: Front, Side, Rear	200 feet	Front: +200 feet East Side: +200 feet West Side: +200 feet Rear: +200 feet
Setbacks from residences outside of the ownership of the applicant.	400 feet	>400 feet
Height	35 feet	25 feet
Parking 1 per 2,000 sq.ft. active 1 per 5,000 sq.ft. of storage 1 per 200 sq.ft. of tasting	$888 / 2,000 = 0.4$ $545 / 5000 = 0.1$ $500 / 200 = 2.5$ 3 spaces required	Total Proposed =3 Ample area already improved with decomposed granite exists for required parking needs.
Special Event Parking	80 people maximum/2 people per car (80/2)= 40 parking spaces, 1 car = 400 sq. ft., 40 x 400 = 16,000 sq. ft.	Ample area on site for overflow/event parking

As conditioned the project complies with the requirements of the Land Use Ordinance.

Williamson Act:

The project is currently under a Williamson Act Contract. Terry Wahler, the County’s Williamson Act contract specialist reviewed the proposed project. Wineries, tasting rooms, and special events are considered “compatible land uses” for Williamson Act contracted properties. No issues or concerns identified as proposed.

COMMUNITY ADVISORY GROUP COMMENTS: Not within an area advisory area

AGENCY REVIEW:

- Public Works- Condition for any existing gate or gate construction to be located 75 feet from travel way, and driveway improvement shall be constructed to County Standards B1e
- Environmental Health – Verify water supply and potability
- Ag Commissioner-No significant issues identified, preclude lawn and turf
- APCD – Stock conditions, use some type of dust suppressant on driveway
- CAL FIRE –See issued fire letter dated July 7, 2010
- Cal Trans – No comments received
- RWQCB- No comments received

LEGAL LOT STATUS:

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

Staff report prepared by Holly Phipps and reviewed by Karen Nall.

EXHIBIT A - FINDINGS

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on March 24, 2011 for this project. Mitigation measures are proposed to address Agricultural Resources, Air Quality, and Transportation/ Circulation and are included as conditions of approval.

Minor Use Permit

- B. The proposed project is a winery with tasting room is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies including the agricultural and open space policies and the Williamson Act contract.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the winery with tasting room does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the winery with tasting room will not conflict with, the surrounding lands and uses.
- F. The proposed winery with tasting room will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project because the project is located on Creston Road., a collector road constructed to handle any additional traffic associated with this project.

**BROHAUGH / DRC2009-00109
EXHIBIT B - CONDITIONS OF APPROVAL**

Approved Development:

1. This approval authorizes the following:
 - a. Conversion of an existing 2,000 sq.ft. agricultural barn into a wine processing facility to include a 500 sq.ft. tasting room;
 - b. Six special events per year with up to 80 guests,
 - c. Wine industry events as allowed by land use ordinance and unadvertised events for no more than 50 people;
 - d. Outdoor amplified music is allowed from 10 a.m. to 5 p.m.;
 - e. Maximum wine production of 5,000 cases annually from on-site and off-site grapes.

Conditions to be completed at the time of application for construction permits or prior to issuance of construction permits

Site Development

2. All development shall be consistent with the approved site plan, floor plan, and grading plan.
3. The applicant shall obtain the following permits if required, in addition to any and all other permits **required** by ordinance or code. Plans shall be prepared or certified by the licensed architect or engineer of record.
 - a. A building permit to convert the existing agriculture exempt barn into a commercial winery;
 - b. A building permit for "Tenant Improvements."

Fire Safety

4. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CAL FIRE/County Fire Department for this proposed project. (A copy is attached).

Fees

5. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Environmental Health Department

6. **Prior to issuance of a construction permit**, the applicant shall obtain the appropriate Health Department permits. The Health Department will require the following information:
 - a. A Hazardous Materials Questionnaire;
 - b. Evidence that there is adequate water to serve the proposal, on the site.

- c. If plan review for a cross connection determines that a device is necessary, then an annual device test shall be provided;
- d. A permit for food sales limited to sales of pre-packaged foods.

Exterior Lighting

- 7. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

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

- 8. **Prior to occupancy or final inspection**, the applicant shall construct County Standard B-1e (High Speed and / or High Volume Driveway) driveways at:
 - a. The principal access (westerly) driveway. The gate may be closer than 75 feet from the traveled way of Creston Road, but shall conform to Cal Fire requirements; and
 - b. The winery delivery access (easterly) driveway as shown on the approved site plan. The gate shall be 75 feet from the traveled way of Creston Road.

Fire Safety

- 9. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CAL FIRE of all required fire/life safety measures.

Planning Review

- 10. **Prior to occupancy of any structure**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Wastewater

- 11. Liquid waste generated by the winery operations must be discharged to a waste water system designed by a civil engineer with expertise in the design of winery wastewater systems and approved by the County Building Official or Regional Water Quality Control Board. Such system shall not create offensive odors or materially impair the quality of groundwater for domestic or agricultural use. Prior to discharge of winery wastewater, the applicant shall obtain approval/permits from the Regional Water Quality Control Board. In no case shall winery wastewater be discharged into a stream or other surface water.

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

Time Limits

- 12. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work

progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

13. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

Pomace

14. Solid vegetable waste from the winery (pomace) shall be removed from the site to an approved composting/green waste facility or composted on the site and used as a soil amendment. In no case shall pomace be treated, stored, or disposed of in a manner that could result in runoff into any surface stream.

Outdoor Storage

15. Long term outdoor winery storage areas shall be screened by solid fencing or landscaping and shall not be higher than the associated solid fence screening or landscaping, unless the storage area is not visible from any public road or adjacent properties.
16. Any water tanks associated with the project shall be a neutral, non contrasting color, and landscape screening shall be provided so that the water tanks are not visible from any public road.

Gates

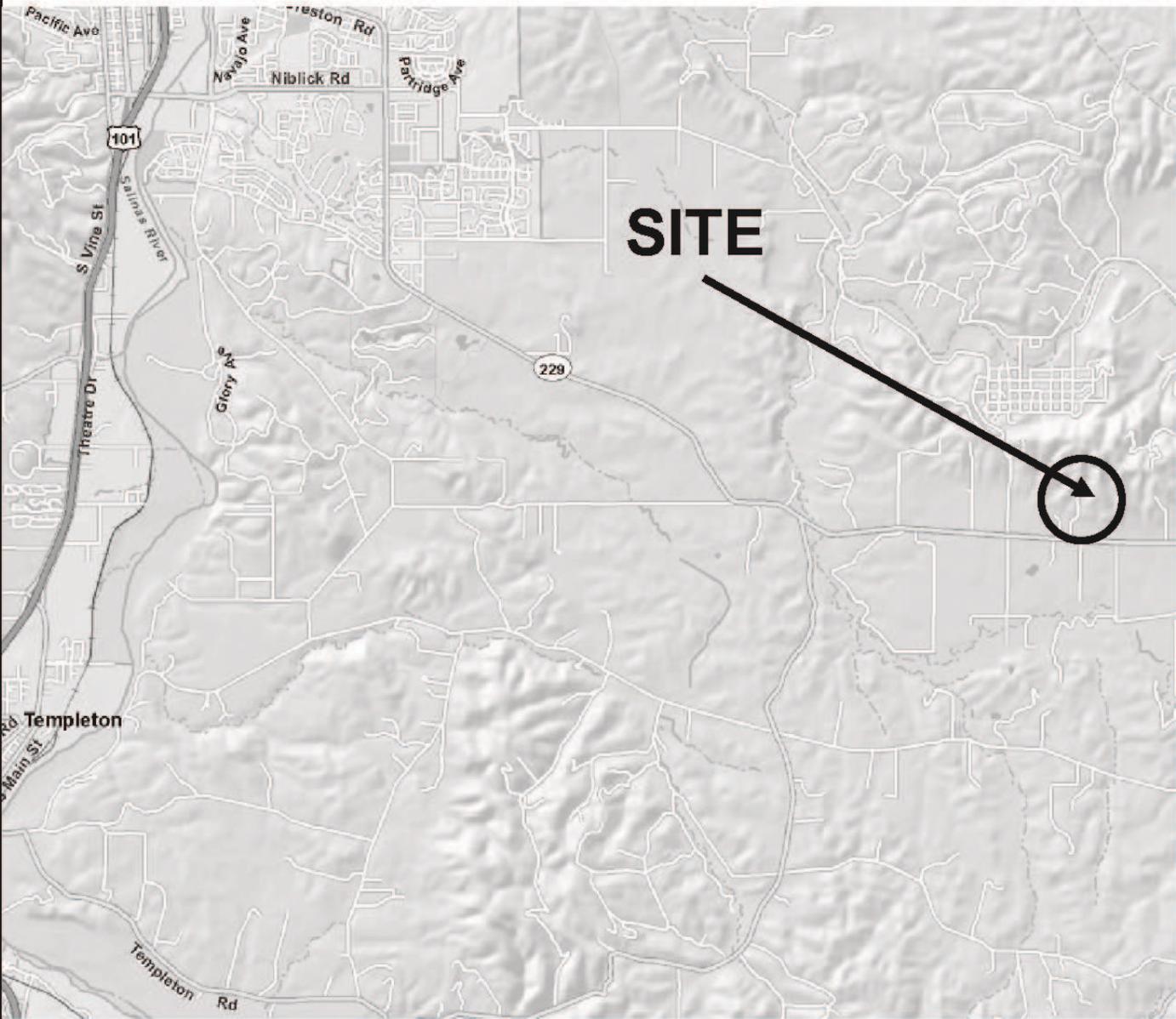
17. Any gate constructed on a driveway where off-site grapes are delivered and/or product is exported from the site shall be located a minimum of 75-feet from the traveled way of Creston Road.

Air Quality

18. (AQ-1) Prior to holding any special events, the applicant shall implement one of the following for the unpaved driveway to the primary access to reduce dust emissions:
 - a. For the life of the project, pave and maintain the road and driveway; or
 - b. For the life of the project, maintain the unpaved private driveway with a dust suppressant to reduce fugitive dust emissions; or,
 - c. For the life of the project, post speed limit of 15 mph or less.
19. (AQ-2) The applicant shall implement the following measures prior to holding any special events:
 - a. For the life of the project, designated parking locations shall be:
 1. Paved when possible;
 2. Sited in grass or low cut dense vegetative areas; or,
 3. Treated with a dust suppressant such that fugitive dust emissions do not impact offsite areas and do not exceed the APCD 20% opacity limit.
 - b. For the life of the project, any unpaved roads/driveways that will be used for the special events shall be maintained with an APCD-approved dust suppressant such that fugitive dust emissions do not impact offsite areas and do not exceed

the APCD 20% opacity limit. The applicant may propose alternative measures of equal effectiveness by contacting the APCD Planning Division.

- c. The applicant shall contact the APCD for specific information regarding operation equipment registration and APCD permits. The applicant shall submit to the Planning Department a copy of a letter of exemption for the above or a copy of any required APCD permits.
20. (AQ-3) As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, Karen Brooks of APCD's Enforcement Division may be contacted (805/781-5912).
 21. (AG-1) Any landscaping associated with the project shall be **drought tolerant** and shall incorporate the use of drip irrigation for watering purposes. **No lawn/turf areas shall be used.**
 22. (N-1) Any special event with outdoor amplified music shall only be allowed from 10 a.m. to 5 p.m. No outside amplified music shall occur before 10 a.m. or after 5 p.m. The project shall comply with the County Noise Element.



PROJECT

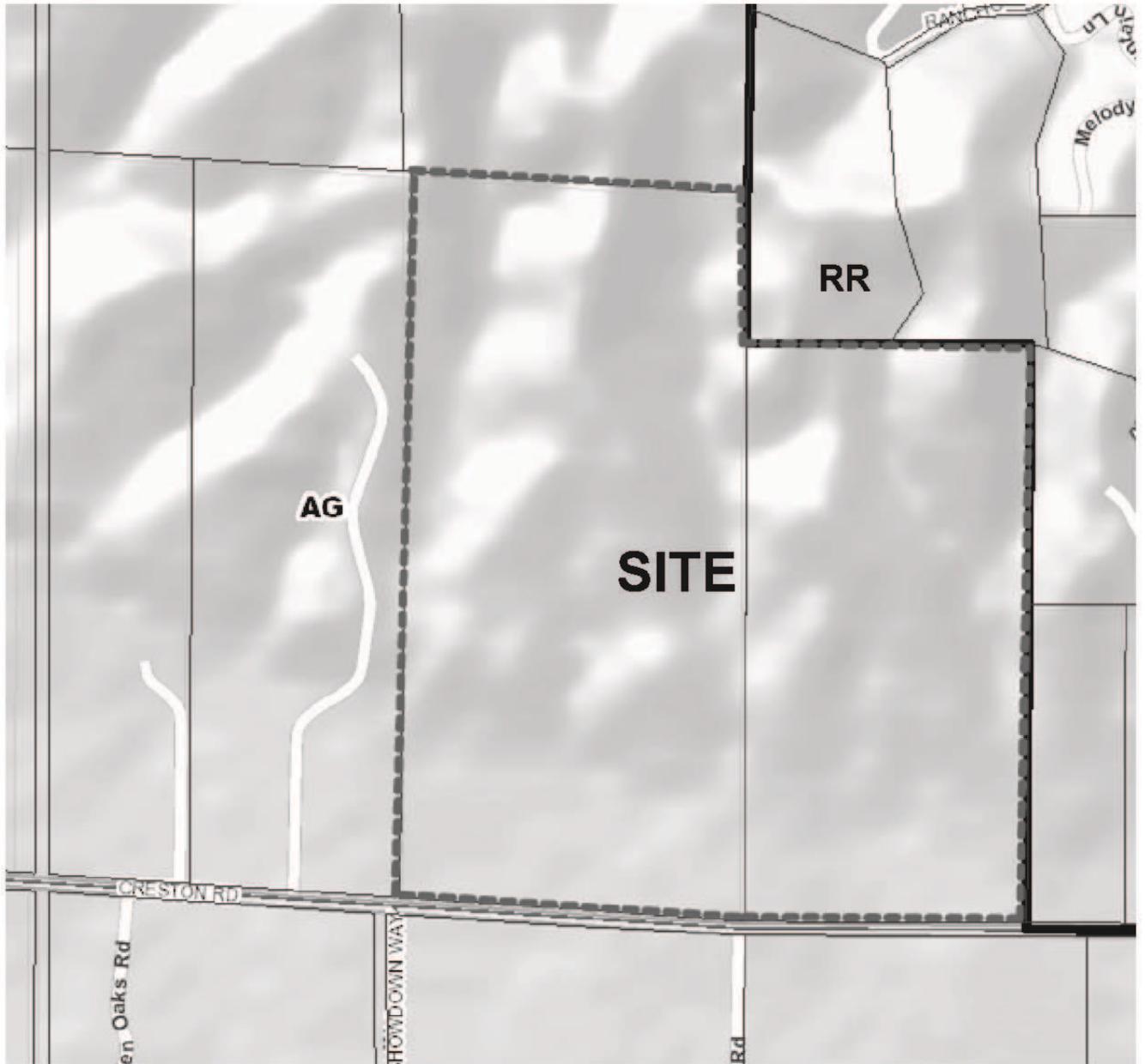
DRC2009-00109 / BROHAUGH
MINOR USE PERMIT



EXHIBIT

VICINITY MAP

ATTACHMENT 03



PROJECT

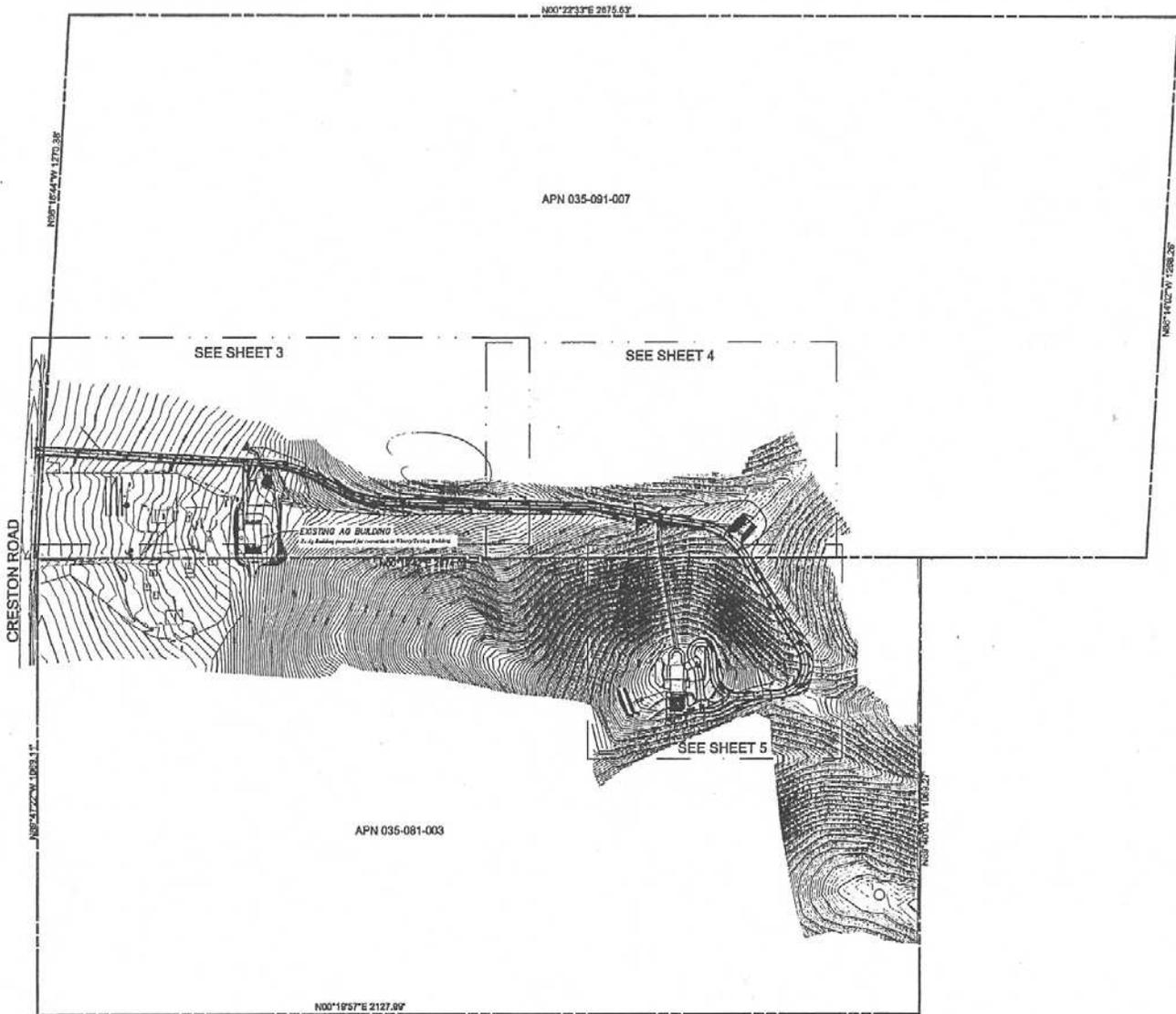
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MINOR USE PERMIT



EXHIBIT

LAND USE CATEGORY MAP

ATTACHMENT 03



PROJECT

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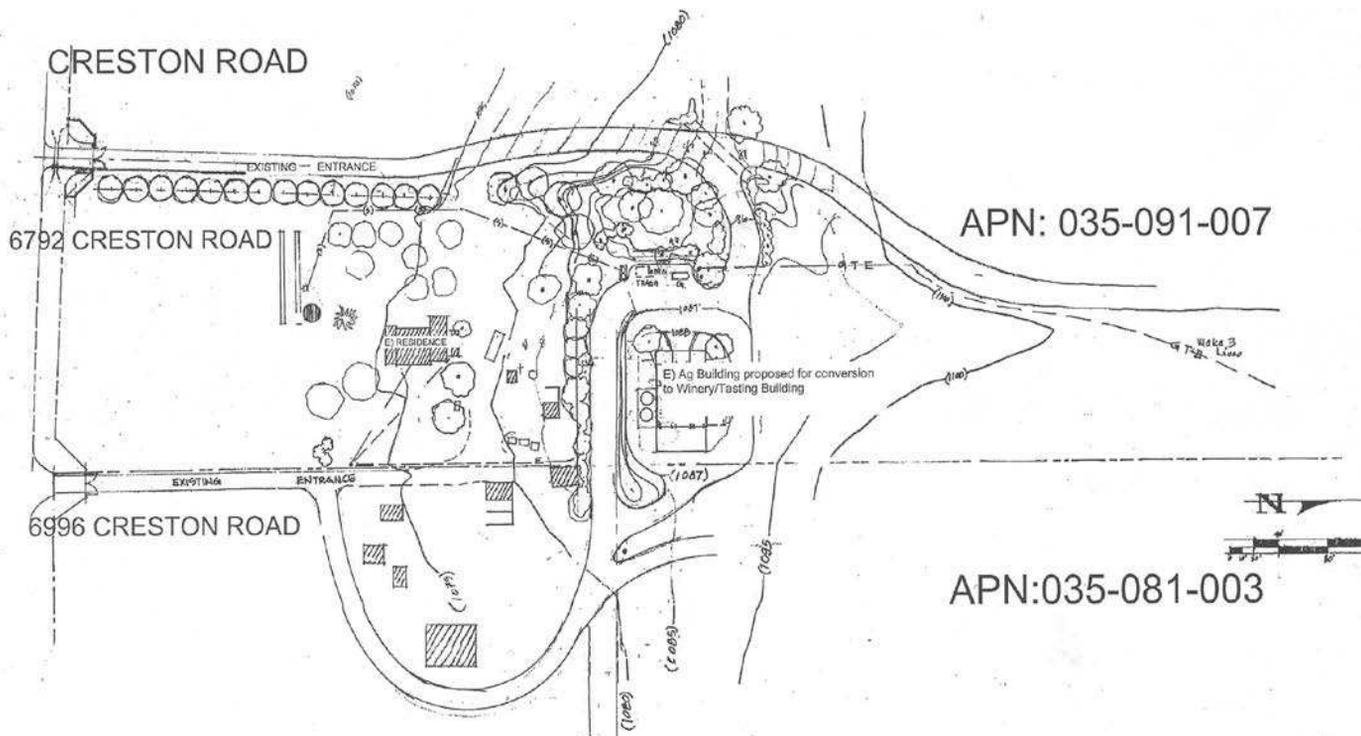


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EXHIBIT

OVERALL SITE PLAN

ATTACHMENT 03



PROJECT

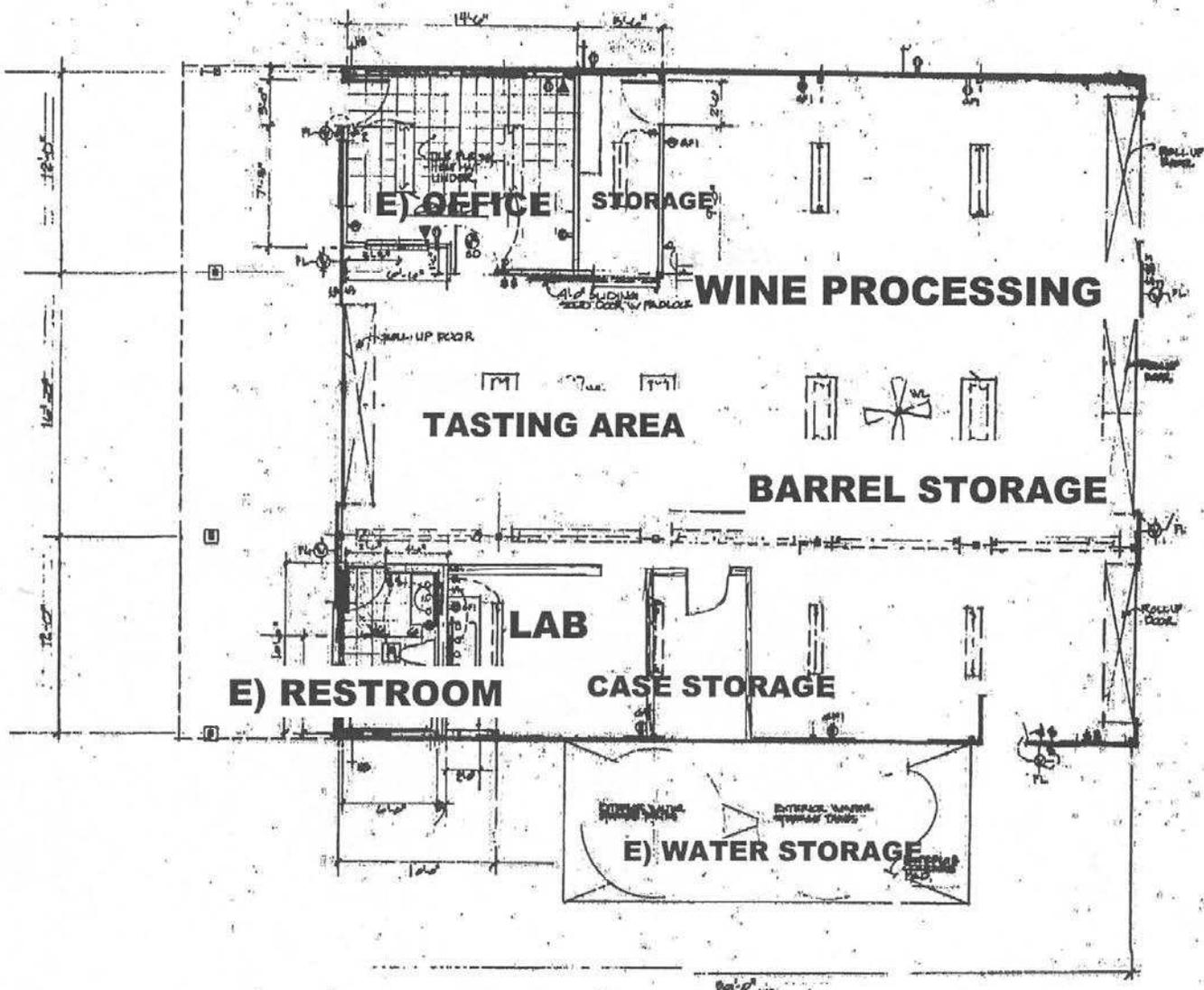
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EXHIBIT

SITE PLAN



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EXHIBIT

FLOOR PLANS

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EXHIBIT

EXISTING BUILDING: FRONT & BACK