

PLANNING COMMISSION  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Thursday, September 13, 2001

PRESENT: Commissioners Bob Roos, Wayne Cooper, Chairman Doreen Liberto-Blanck

ABSENT: Commissioners Cynthia Boche, Eugene Mehlschau

RESOLUTION NO. 2001-87  
RESOLUTION RELATIVE TO THE GRANTING  
OF A DEVELOPMENT PLAN

WHEREAS, The County Planning Commission of the County of San Luis Obispo, State of California, did, on the 13th day of September, 2001, grant a Development Plan to EAGLE'S CREST WINERY to allow construction of a winery of approximately 15,400 square feet with a detached hospitality building of approximately 7,500 square feet and convert an existing residence to a bed and breakfast, in the Agriculture Land Use Category. The property is located in the county at the northeast corner of Hwy 46 West and Anderson Road approximately 2.5 miles west of Paso Robles, APN: 40-051-019, 020, in the Adelaide Planning Area. County File Number: D000234D.

WHEREAS, The Planning Commission, after considering the facts relating to such application, approves this Permit subject to the Findings listed in Exhibit A.

WHEREAS, The Planning Commission, after considering the facts relating to such application, approves this Permit subject to the Conditions listed in Exhibit B.

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission of the County of San Luis Obispo, State of California, in a regular meeting assembled on the 13th day of September, 2001, does hereby grant the aforesaid Permit No. D000234D.

If the use authorized by this Permit approval has not been established or if substantial work on the property towards the establishment of the use is not in progress after a period of twenty-four (24) months from the date of this approval or such other time period as may be designated through

conditions of approval of this Permit, this approval shall expire and become void unless an extension of time has been granted pursuant to the provisions of Section 22.02.050 of the Land Use Ordinance.

If the use authorized by this Permit approval, once established, is or has been unused, abandoned, discontinued, or has ceased for a period of six months (6) or conditions have not been complied with, such Permit approval shall become void.

On motion of Commissioner Roos, seconded by Commissioner Cooper, and the following roll call vote, to-wit:

AYES: Commissioners Roos, Cooper

NOES: Commissioner Liberto-Blanck

ABSENT: Commissioners Boche and Mehlschau

the foregoing resolution is hereby adopted.

  
Chairman of the Planning Commission

ATTEST:

  
Secretary, Planning Commission

**EXHIBIT A**  
**FINDINGS FOR D000234D**

- A. On the basis of the Negative Declaration and all comments received, there is no substantial evidence that the project will have a significant effect on the environment.
- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because a winery facility with tasting room and temporary/ special events is an allowed use in the Agriculture category.
- 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 properties in the vicinity because the project will be operated in compliance with county issued land use permit, county building permits, Uniform Fire Code, Health Department regulations and Regional Water Quality Control Board regulations.
- E. Although the scale and visibility of this winery is substantially greater than other wineries in the immediate area, the proposed project and use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because a winery is located immediately to the west of this site and other wineries exist in the vicinity.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the site is taking access from Anderson Road which is capable of handling the increase in traffic that this project will generate.
- G. A reduction of the setback to 10 feet for the outdoor use area behind the hospitality building can be supported because there are no uses on the adjacent property that would require a larger setback.

**EXHIBIT B**  
**CONDITIONS OF APPROVAL FOR D000234D**

Approved Use

1. This approval authorizes the construction of a new winery facility, tasting room/hospitality center up to 40 temporary events per year. The project will be constructed in three phases as described below.  
  
Phase I - 1) a 15,400 sq. ft. winery building with a 2300 square foot outdoor crush area and a 2000 square foot barrel works area; and 2) a 7500 square foot tasting room/hospitality building and associated outdoor areas.  
  
Phase II - Conversion of two existing residences to a bed and breakfast facility.
2. The applicant is authorized to hold up to hold 40 temporary events per year. Only one event is allowed at a time. The following events are approved with this permit.
  - 10 events per year at 75 persons per event.
  - 10 events per year at 100 persons per event.
  - 10 events per year at 150 persons per event
  - 10 events per year at 200 persons per event
  - Open House during the event weekends sponsored by the Paso Robles Vintners and Growers Association
  - Events, except for the open house weekends, shall last no more than one day each.
  - Events to occur between 9:00 a.m. and 10:00 p.m.
3. The 7,366 square foot phase 1 processing facility shall be completed and have a certificate of occupancy prior to final building inspection of the tasting room/hospitality center. Within 10 years the remaining 6,034 square feet of phase 1 of the Processing Facility shall be completed.
4. Prior to issuance of any building permits, the applicant shall submit a revised site plan reducing the amount of outdoor terrace area in front of the hospitality building as shown in Exhibit "A", (the architect's showing modified terrace).
5. Prior to issuance of any building permits, the applicant shall submit a revised landscaping plan limiting the turf area behind the tasting room/hospitality building to no more than 20% of the total landscape area and showing a 10 foot setback between any outdoor use area and the north property line.
6. Any new processing facilities shall be located near or shall be an expansion of the currently proposed processing facility on the northeast side of the site.
7. All event parking shall occur in areas immediately south and east of the proposed winery building as shown on the approved site plan.
8. Buildings shall be constructed in accordance with the approved building elevations.

9. The roof terraces on the hospitality building may be used for, tours and informal activities. They shall not have permanent seating, tasting or dining facilities.
10. The terraces adjacent to the moat may be used for events, tours and informal activities. They shall not have permanent seating, tasting or dining facilities.
11. Prior to use of the existing residences as a bed and breakfast facility, the applicant shall apply for building permits to convert the structures to the proposed use. The bed and breakfast facility shall have no more than eight guest rooms and one kitchen. Significant design changes are not authorized at this time.

#### Water Resources

12. Liquid waste generated by the winery operations must be discharged to a wastewater 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 waste water in excess of 2,500 gallons per day**, the applicant shall obtain approval and/or permits from the Regional Water Quality Control Board. In no case shall winery wastewater be discharged into a stream or other surface water.
13. 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.

#### Air Quality

14. **During construction/ground disturbing activities**, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.
  - a. Reduce the amount of disturbed area where possible
  - b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency will be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
  - c. All dirt stock pile areas should be sprayed daily as needed.
  - d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following

completion of any soil disturbing activities.

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

15. **At the time of application for construction permits**, the applicant shall show, on the construction plans, the following:

- a. Insulate all hot water heaters and hot water pipes;
- b. Install wall & ceiling insulation and door/window weatherizing meeting or exceeding current building code standards in all areas that are cooled or heated beyond outdoor ambient temperatures;
- c. Install energy efficient fluorescent lighting or its equivalent;
- d. Use solar assisted or dedicated solar water heaters where feasible;
- e. Install skylights where feasible.

16. For temporary events parking, the applicant shall use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site when the events parking areas are in use. Reclaimed (non-potable) water should be used whenever possible.

**Noise**

17. The project shall comply with the noise limits in the County Noise Element: From 7a.m. to 10p.m.(daytime), noise levels at the project property line shall not exceed an hourly average of 50 dB, with a maximum level of 70 dB, and a maximum impulsive noise level of 65 dB. From 10p.m. to 7a.m. (nighttime) noise levels at the project property line shall not exceed an hourly average of 45dB, with a maximum level of 65 dB, and a maximum impulsive noise level of 60 dB.

**Traffic**

18. All winery, event and future bed and breakfast traffic shall enter the site from Anderson Road and not the existing driveway on Highway 46 West, which is now used for residential access. The applicant shall take measures through signs and/or gates to insure that commercial access is prohibited from Highway 46 West.

**Areawide Traffic Circulation**

19. If, as a result of the "Highway 46 West - Corridor Study", improvements are identified for the Highway 46 West corridor and a funding mechanism is enacted by the Board of Supervisors, the applicant agrees to participate in contributing his/her "fair share" per the approved mechanism, for any portion of the project that does not have an issued building permit.
20. Within 36 months of final permit inspection of the tasting room/hospitality center (but no earlier than 24 months), the applicant shall retain a qualified traffic engineer to conduct a traffic study to determine the number and model split (trucks, cars, employees, visitors, etc.) of vehicle trips generated by the project, the distribution of turning movements at Highway 46 West and the number of trips to the applicants development.

**Public Safety**

21. Temporary events shall be canceled if rain or other factors make the events parking area and/or secondary access unusable.
22. Parking is not allowed along Hwy 46 or any other public roadway.
23. The property owner shall notify each of the following agencies of any event projected to attract more than 100 people. Notification should preferably be at least 90 days before the date of the event, and shall include a description of the date, time, location, and type of event(s).
- California Highway Patrol (Templeton Office)
  - County Sheriff's Department
  - Caltrans
  - County Department of Planning and Building
  - County Fire Department/CDF
  - County Health Department
  - Paso Robles Police Department

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**Fire Safety**

24. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection approval of all required fire/life safety measures described in the Fire Safety Plan dated February 7, 2001.
25. The applicant shall operate the winery facility in full compliance with the fire safety requirements specified by the County Fire Department.

**Aesthetic/Cultural Resources**

26. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
  - a. Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
  - b. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.
27. **Prior to issuance of any building permits**, the applicant shall submit a final color board for review and approval by the Department of Planning and Building. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc..
28. **Prior to occupancy or final inspection, whichever occurs first**, the applicant shall implement the approved color board.
29. **Prior to issuance of construction permits**, the applicant shall submit a final landscaping plan prepared in accordance with Land Use Ordinance section 22.04.186. The plan shall include trees and/or other plant materials of sufficient size to mitigate silhouetting of the hospitality center as viewed from Hwy 46 west within 3 years of completion of construction. A letter, signed by a landscape architect, shall accompany the plan stating that the proposed landscaping will accomplish this.
30. **Prior to occupancy or final inspection, whichever occurs first**, the applicant shall install landscaping in accordance with the approved landscaping plan and shall submit a letter, prepared by a qualified individual (e.g., arborist, landscape architect/contractor, nurseryman), to the Department of Planning stating that the planting has been completed.
31. **At the time of application for construction permits**, the applicant shall provide an exterior lighting proposal. The proposal shall include the height, location, and intensity

of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from Highway 46 west or any other location off of the project site. All lighting poles, fixtures, and hoods shall be dark colored. No exterior lighting shall be installed or operated in a manner that would throw light, either reflected or directly, in an upward direction.

32. **Prior to occupancy or final inspection, whichever occurs first**, the applicant shall request an on-site lighting inspection, to verify that all lights have been installed in compliance with the approved plans.
33. Exterior lighting related to the temporary events shall be turned off one hour after the end of each event.
34. Long-term outdoor winery storage areas shall be screened by solid fencing and shall not be higher than the associated solid fence screening, unless the storage area is not visible from Highway 46 West, or adjacent properties.
35. Prior to the erection of any new sign(s), the applicant shall prepare a comprehensive sign plan indicating the location and size of all proposed signs for review and approval of the Planning Department. The sign plan shall be in conformance with Section 22.04.310-320 of the Land Use Ordinance. On-site signing is limited to a maximum aggregate area of 100 square feet on-site, which may include one 60 square foot (maximum) monument sign. Up to two off-premise signs are allowed with a maximum area of 32 square feet each and a maximum height of 10 feet above the adjoining roadway. If lighted, signs are to be indirectly lighted by stationary, shielded light sources, directed solely at the sign. Internally illuminated signs are not authorized.
36. **At the time of application for construction permits**, the applicant shall clearly delineate the location and visual treatment of water tanks on the project plans. The tanks shall be a neutral, non-contrasting color, and landscape screening shall be provided, if the tanks are visible from the public road.

### **Biological Resources**

37. No oak trees shall be removed for development of the winery, tasting room, bed and breakfast, parking or driveways. All trees to remain on-site that are within fifty feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone fenced prior to any grading. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls should be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface.
38. Oak trees provide an essential component of wildlife habitat and visual benefits. The applicant recognizes this and agrees to minimize trimming of the remaining oaks. If trimming is necessary, the applicant agrees to either use a skilled arborist or apply accepted arborist's techniques when removing limbs. Unless a hazardous or unsafe

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situation exists, trimming shall be done only during the winter for deciduous species. Smaller trees (smaller than six inches in diameter at four feet above the ground) within the project area are considered to be of high importance, and when possible, shall be given similar consideration as larger trees.

### **Public Health**

39. Prior to operation of the facility, the applicant shall obtain the appropriate Health Department permits. The Health Department will require the following information:
  - a. Anticipated amount of wastewater discharge from production and domestic waste.
  - b. The location of water well(s) in relation to wastewater discharge area(s).
  - c. Operational plans for pomace and solid waste disposal.
  - d. A vector control plan addressing insect and rodent control.

### **Operational Conditions**

40. Any service or sale of food or beverages for on-site consumption shall have all necessary approvals from the County Environmental Health Department.
41. Comply with all County Environmental Health Department approved pest and solid waste control plans.
42. Maintain the project landscaping, night lighting and signs in conformance with the county Land Use Ordinance.
43. Outdoor amplified music is permitted with events, subject to periodic review by the Director of Planning and Building. Outdoor amplified music shall not be played after sundown.
44. The applicant shall submit a traffic study, to be reviewed and approved by the Director of Planning and Building accessing the impact of the project on the intersection of Hwy 46 west and Anderson Road. The applicant shall implement the recommendation of the study prior to Final building inspection of the tasting room/hospitality building.