



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

**Tentative Notice of Action**

Promoting the wise use of

<b>MEETING DATE</b> August 21, 2015 <b>EFFECTIVE DATE</b> September 4, 2015	<b>CONTACT/PHONE</b> Stephanie Fuhs (805)781-5721 sfuhs@co.slo.ca.us	<b>APPLICANT</b> 3090 Anderson LLC	<b>FILE NO.</b> DRC2014-00145
<b>SUBJECT</b> Hearing to consider a request by <b>3090 ANDERSON, LLC</b> , for a Minor Use Permit (DRC2014-00145) to allow approximately 17,800 square feet of winery storage building areas including a barrel room, case storage, flex space, restrooms, administrative office and lab. The current project is an expansion of an existing winery that produces between 5,000 and 30,000 cases per year and was approved under Development Plan D000234D in 2001. This approval would continue to allow 40 special events of between 75 and 200 people per event with amplified music allowed only until sundown, as authorized in the previous development plan. The current proposal includes a setback waiver to allow a 70 foot setback rather than the 200 foot setback required by the Land Use Ordinance. The proposed project is within the Agriculture land use category and is located at 3090 Anderson Road, approximately 2.5 miles west of the City of Paso Robles. The site is in the Adelaida sub area of the North County planning area.			
<b>RECOMMENDED ACTION</b> Approve Minor Use Permit DRC2014-00145 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
<b>ENVIRONMENTAL DETERMINATION</b> The Environmental Coordinator finds that the previously adopted Mitigated Negative Declaration is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previous Mitigated Negative Declaration, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previous Mitigated Negative Declaration, and no new information of substantial importance has been identified which was not known at the time that the previous Mitigated Negative Declaration was adopted on September 13, 2001.			
<b>LAND USE CATEGORY</b> Agriculture	<b>COMBINING DESIGNATION</b> None	<b>ASSESSOR PARCEL NUMBER</b> 040-051-034	<b>SUPERVISOR DISTRICT(S)</b> 1
<b>PLANNING AREA STANDARDS:</b> None applicable <i>Does the project meet applicable Planning Area Standards:</i> Not applicable			
<b>LAND USE ORDINANCE STANDARDS:</b> Section 22.30.070 Agricultural Processing Uses, Section 22.62.050 Minor Use Permit Approval, Section 22.18 Parking, Section 22.10.180 Water quality <i>Does the project conform to the Land Use Ordinance Standards:</i> Yes - see discussion			
<b>FINAL ACTION</b> This tentative decision will become final action on the project, effective on the 15 <sup>th</sup> day following the administrative hearing, or on September 4, 2015, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
<b>EXISTING USES:</b> Winery facility, single family residence			
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> <i>North:</i> Agriculture/vineyards, scattered residences <i>East:</i> Agriculture/vineyards <i>South:</i> Agriculture/vineyards <i>West:</i> Agriculture/residences, ag. processing			

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

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Templeton Area Advisory Group, Public Works, Environmental Health, Ag Commissioner, CalFire, Cal Trans, Regional Water Quality Control Board	
TOPOGRAPHY: Gently to moderately sloping	VEGETATION: Vineyards, scattered oaks, ornamentals
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CalFire	ACCEPTANCE DATE: June 22, 2015

**DISCUSSION**

**PROJECT HISTORY**

The property is owned by Anderson 3090 LLC, and is home to Tooth and Nail Winery (formerly Eagle Castle Winery). The original winery was approved by the Planning Commission on September 13, 2001 with the following components:

1. Construction of a new winery facility, tasting room/hospitality center, and up to 40 temporary events per year.
2. 2 phases of development including:
  - Phase 1 – A 15,400 square foot winery building with a 2,300 square foot outdoor crush area and a 2,000 square foot barrel storage area; and a 7,500 square foot tasting room/hospitality building and associated outdoor areas.
  - Phase 2 – Conversion of two existing residences to a bed and breakfast facility.
3. 40 temporary events per year:
  - 10 events with 75 people,
  - 10 events with 100 people,
  - 10 events with 150 people,
  - 10 events with 200 people,
  - Open House during the wine industry event weekends,
  - Events, except for open house weekends, shall last no more than one day each
  - Events to occur between 9:00 a.m. and 10:00 p.m.

The original conditions of approval have been attached for reference.

Building permits were completed for the tasting room (7,997 square feet), and winery processing building (13,517 square feet), which leaves approximately 2,000 square feet of allowable building area that has not been constructed under the existing Development Plan. Existing improvements include a 1,800 square foot crush pad and two residences. The residences are being used as vacation rentals; no building permits to convert the residences to commercial bed and breakfast facilities have been submitted. Wine production from the facility is between 5,000-30,000 cases per year.

**CURRENT PROJECT DESCRIPTION**

The applicant is requesting to construct a new 17,808 square foot metal building for barrel and case storage and includes offices, restrooms, flex space for forklift maneuvering and a lab. The location of the proposed building is within an area that was previously shown for development on the original 2001 development plan described above.

The request also includes a setback modification from the required 100 feet to allow 70 feet. See discussion below under Land Use Ordinance standards.

**LAND USE ORDINANCE STANDARDS**

**Section 22.30.070.D.2: Wineries**

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>Required</u>	<u>Proposed</u>	<u>Compliance</u>
Minimum Site Area (Section 22.30.070)	20 acres for wineries with special events	Approximately 25 acres	Yes
Access Location (Section 22.30.070)	Wineries with tasting room, retail sales, special events located on or within 1 mile of arterial or collector	Winery is located on Highway 46 a major arterial	Yes
Setbacks from property lines: (Section 22.30.070)	2100 feet required for wine processing buildings w/out tasting	Front – approx. 664 feet Rear – approx. 70 feet Right (East) - 164 feet Left (west) – 1,054 approx. feet	No, modification requested
Setbacks from residences outside of the ownership of the applicant (Section 22.30.070)	200 feet for wine processing buildings w/out tasting	Greater than 200 feet	Yes
Height (Section 22.30.070)	35 feet – may be increased to 45 feet where a pitched roof of greater than 4:12 is proposed and at least 50 percent of the structure is at 35 height or less	28 feet , 6 inches	Yes
Screening (Section 22.30.070)	If visible from the public road wineries shall be screened.	Required by ordinance, project conditioned to meet this requirement	Yes
Lighting (Section 22.30.070)	Lighting fixtures are required to be shielded	Project conditioned to meet this requirement	Yes
Solid waste disposal (Section 22.30.070)	Pomace may be used as fertilizer or soil amendment	Current winery has a RWQCB General Waste Discharge Permit	Yes

Design Exterior (Section 22.30.070)	Wineries shall have an exterior design styles that is agricultural or residential in nature.	The proposed building has an agricultural design style.	Yes
Signs (Section 22.60.060)	Maximum of 100 sq ft of signage; one free standing or monument	Applicant is not proposing any new signs with this proposal	Yes
Parking (Section 22.18)	1 per 2,000 sf of active use 1 per 5,000 sf of storage 1 per 200 sf of tasting room • Total Spaces Required: 11 plus 1 ADA	Project conditioned to show location of additional 4 spaces required with the new building	Will comply as conditioned
Tasting room (Section 22.30.070)	One tasting room allowed for each winery	Property has existing 7,997 square foot tasting room	Yes
Design and Operation Standards / Access (Section 22.30.610.D.1-4 and E)	Temporary Events shall be provided 2 access points	No change from the existing events program is proposed	Yes
Design and Operation Standards / Special Event Parking (Section 22.30.610.D.1-4 and E)	400 sf per vehicle; Located on open areas with slopes of 10 % or less, free of combustible material;	No change from the existing events program is proposed	Yes
Liquid waste disposal (Section 22.30.070)	<ul style="list-style-type: none"> <li>• Winery wastewater - standards set through RWQCB</li> <li>• Domestic wastewater - leach lines shall be located at least 100 feet from any private well</li> </ul>	Discharge permit from RWQCB is required  Current permit submitted with application	Yes
Limitation on Use / Noise (Section 22.30.070)	<ul style="list-style-type: none"> <li>• Special events limited to 40 days per year;</li> <li>• Outdoor amplified music shall not occur before 10 a.m. and after 5 p.m.;</li> <li>• Standard may be waived where finding can be made that the noise will not exceed 65dB at property lines</li> </ul>	No change to the existing events program is proposed	N/A

## 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 all winery structures shall be setback 100 feet from each property line and where a winery has public tours and tasting, the setback shall be increased to 200 feet. The proposed structure is barrel and case good storage with no public tasting. The applicant is requesting a setback modification for the required 100 foot setback to allow a 70 foot setback to the northern (rear) property line.

Because the project is located on Highway 46 west which is an arterial road, the project meets the second finding listed above for a setback modification. The location of the proposed building is within the approved development area from the original development plan approved in 2001.

#### AGENCY REVIEW

**Public Works** – Recommends conditions of approval for access and road improvement fees.

**Environmental Health** – Food facility permit regulates project if there are less than 25 people on site for 60 days per year, otherwise an annual permit is required

**Ag Commissioner** – Recommends conditions to incorporate BMPs for water conservation and use of pervious or semi-pervious areas to promote groundwater recharge

**CalFire** – No comments received

**Cal Trans** – No comments received

**Regional Water Quality Control Board** – No comments received

#### LEGAL LOT STATUS

The one lot was legally created by a recorded map (CO 75-445) at a time when that was a legal method of creating lots.

