



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

*Promoting the wise use of land
Helping build great communities*

PLANNING COMMISSION

MEETING DATE October 22, 2015	CONTACT/PHONE Holly Phipps / 781-1162 / hphipps@co.slo.ca.us	APPLICANT Logan Nichols	FILE NO. DRC2014-00065
SUBJECT A request by Logan Nichols for a Conditional Use Permit to allow for the construction of a 3,360 square foot (sf) winery to include a 446 sf tasting room, a 400 sf permanent farm stand that will be located on the outside patio and related site improvements. The applicant is requesting a modification of the winery setback requirement to allow the tasting room to be located 103 feet and 172 feet to the property line (side setbacks) instead of 200 feet per ordinance requirement. The applicant is also requesting a modification of the setback requirement to allow the tasting room and farm stand to be located 337 feet to the nearest residence instead of 400 feet per the ordinance requirement. The applicant is not requesting special events or wine industry-wide events. Annual wine case production proposed is 2,500 cases. The project will result in the disturbance of approximately 0.40-acre on a 6.6-acre parcel. The project site is located at 1543 Los Berros Road, approximately 3.5 miles south of the City of Arroyo Grande, in the South County Inland Sub Area of the South County Planning Area.			
RECOMMENDED ACTION Approve Conditional Use Permit DRC2014-00065 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION The project qualifies for a General Rule Exemption (ED15-064) pursuant to CEQA Guidelines Section 15061.			
LAND USE CATEGORY Residential Rural	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 091-053-010	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: None applicable			
EXISTING USES: Undeveloped, Vineyard, orchard and row crops			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Rural / Scattered residential <i>East:</i> Residential Rural / Row crops <i>South:</i> Residential Rural / Scattered residential <i>West:</i> Residential Rural / Scattered residential			
<p align="center">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</p>			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: South County Advisory Group, Public Works, CAL FIRE, and Regional Water Quality Control Board (RWQCB)	
TOPOGRAPHY: Relatively flat	VEGETATION: 2.7 acres of grapes, 0.22 acre apple orchard and 0.85 acres vegetables
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CAL FIRE	ACCEPTANCE DATE: February 12, 2015

PROJECT DESCRIPTION

The proposed project includes the construction of a 3,360 sf winery production facility to include:

- 446 sf tasting room;
- 1,199 sf fermentation space,
- 1,100 sf barrel/wine case good storage;
- 130 sf restrooms;
- 236 sf office,
- 165 sf produce storage room;
- 84 sf storage room;

The operation includes on-site crushing, fermentation, barrel aging, blending, bottling, and case good storage. The proposed winery will process grapes grown on-site. Case production proposed is 2,500 cases annually. The applicant is not requesting special events or industry-wide events. The project also includes a 400 sf permanent farm stand that will be located on the outside patio of the winery building.

**PROJECT ANALYSIS
 ORDINANCE COMPLIANCE**

Land Use Ordinance (LUO) Section 22.06.030 Allowable Land Use and Permit Requirements Table 2-2 requires a Conditional Use Permit for wineries when located in the Residential Rural land use category.

The project is subject to LUO Section 22.30.070D(2), wineries, Section 22.30.070, Section 22.18, and Section 22.30.075 sets forth standards for winery development, and agricultural retail sales including but not limited to access, setbacks, parking, design, screening, height, lighting, tasting rooms and special events.

<u>Standard</u>	<u>Required</u>	<u>Proposed</u>	<u>In Compliance</u>
Minimum Site Area (Section 22.30.070)	20 acres for wineries with special events	Site is 6.6 acres. No special events proposed.	Yes
Access location (Section 22.30.070)	Wineries with tasting room, special events shall be located on or within 1 mile of arterial or collector	Project is requesting tasting however, no special events are proposed. Project located on Los Berros Road, an arterial road.	Yes

<u>Standard</u>	<u>Required</u>	<u>Proposed</u>	<u>In Compliance</u>
Height (Section 22.10.090)	35 feet	23 feet	Yes
Setbacks from property lines: (Section 22.30.070)	100 feet required for wine processing buildings 200 feet for Tasting Room	103 feet Side setbacks: 172 feet and 103 feet	Yes Yes, modification requested
Setbacks from residences outside of the ownership of the applicant (Section 22.30.070)	200 feet for wine processing buildings 400 feet for tasting room	> 200 feet 337 feet	Yes Yes, modification requested
Screening (Section 22.30.070)	If visible from the public road wineries shall be screened.	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	Pomace will be used and composted on site; project conditioned to meet this requirement	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 a agricultural design style.	Yes
Signs (Section 22.60.060)	Maximum of 100 sf of signage; one free standing or monument	Applicant is not proposing to exceed LUO allowance	Yes
Tasting room (Section 22.30.070)	One tasting room allowed for each winery	One tasting room requested	Yes
Parking (Section 22.18)	1 per 2,000 sf of active use; $1,282 / 2,000 = 0.64$ 1 per 5,000 sf of passive use; $1,100 / 5,000 = 0.22$ 1 per 200 sf of tasting room; $500 / 200 = 2.5$ Total Spaces Required: 4, plus 1 ADA	Ample space already exists on site	Yes, as conditioned

<u>Standard</u>	<u>Required</u>	<u>Proposed</u>	<u>In Compliance</u>
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 special events proposed and no industry-wide events are proposed	NA
Design and Operation Standards / Access (Section 22.30.610.D.1-4 and E)	Temporary Events shall be provided 2 access points;	No events proposed	NA
Liquid waste disposal (Section 22.30.070)	<ul style="list-style-type: none"> • Winery wastewater - standards set through RWQCB • Domestic wastewater - leach lines shall be located at least 100 feet from any private well 	<ul style="list-style-type: none"> • Will obtain a discharge permit from RWQCB • Complies 	Yes
Limitation on Use / Noise (Section 22.30.070)	<ul style="list-style-type: none"> • Special events limited to 40 days per year; • Outdoor amplified music shall not occur before 10 a.m. and after 5 p.m.; • Standard may be waived where finding can be made that the noise will not exceed 65dB at property lines 	<ul style="list-style-type: none"> • No special events are proposed • Applicant is not proposing any outdoor amplified music before 10 a.m. or after 5 p.m. • Applicant not requesting standard to be waived 	NA

Ordinance Modifications / Winery Setbacks

Per Section 22.30.070, Setbacks may be modified through a Conditional 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 applicant is requesting a modification of the setback requirement to allow the tasting room to be located 103 feet and 172 feet to the property line (side setbacks) instead of 200 feet per ordinance requirement. The applicant is also requesting a modification of the setback requirement to allow the tasting to be located 337 feet to the nearest residence instead of 400 feet per the ordinance requirement.

Under Finding (2) above, the project qualifies for a setback waiver because the winery tasting room is located on Los Berros Road, an arterial road.

Agricultural Retail Sales (Section 22.30.075)			
<u>Standard</u>	<u>Required</u>	<u>Proposed</u>	<u>In Compliance</u>
Agricultural Retail Sales	Sales area limitation shall be limited to a 500 sf; unless authorized by Minor Use Permit	400 sf of sales area	Yes
Agricultural Retail Sales / Setbacks	<ul style="list-style-type: none"> • 50 feet from front setback • 30 feet from side setback • 30 feet from rear setback • No closer than 400 feet to any residence outside of the ownership of the applicant; unless authorized by Conditional Use Permit 	<ul style="list-style-type: none"> • Greater than 50 feet • Greater than 30 feet • Greater than 30 feet • 337 feet 	Yes, modification requested
Parking	1 per 250 sf of structure or outdoor display area; $400 / 250 = 1.6$ Total spaces required: 2 Grand Total including winery parking: 6 plus 1 ADA	Retail area consists of 400 sf; Ample space exists on-site; Parking was not shown on site plan.	Yes, as conditioned

Ordinance Modifications / Agricultural Retail Sales Setbacks

The applicant is requesting a modification of the setback requirement to allow the farm stand to be located 337 feet to the nearest residence instead of 400 feet per the ordinance requirement. Section 22.30.075.E. states a Conditional Use Permit may be used to modify limitation on use and site design standards.

PLANNING AREA STANDARDS

There are no planning area standards applicable to this project.

COMBINING DESIGNATIONS

There are no combining designations applicable to this project.

ENVIRONMENTAL DETERMINATION

The proposed project is the construction of a 3,360 sf winery that will include a 446 sf tasting room, a 400 sf permanent farm stand and related site improvements. No special events and no industry-wide events are proposed.

The property was planted in row crops of broccoli, cauliflower, and bok choy for approximately 18 years. The previous farming operations used overhead sprinklers to irrigate these crops. Overhead sprinklers require large volumes of water and approximately 25 percent of that water hits the root zone of the targeted plant. Estimated water use during this time was approximately 10,800,000 gallons/year.

The applicant has planted 2.7 acres of wine grapes, 0.22 acres of apple orchards, and 0.85 acres of seasonal vegetables. The project site has four different water uses: vineyard, orchard, seasonal garden, and wine processing.

The wine grapes and apple orchard will use pressure compensating, ultra-efficient, Netafim micro emitters and will use approximately 300,000 gallons/year. The proposed winery is estimated to use 500 gallons/week during the off-season and during harvest the winery is estimated to use 2,000 gallons/week times 8 weeks for a total of 16,000 gallons/year. Total estimated water use needed per year is 489,800 gallons.

A Phase I Archeology Surface survey was completed in February of 2015 (by Anastasio) which concluded no prehistorical cultural material has been observed or reported.

The proposed project is exempted from environmental review in accordance with Section 15061 because the proposed project would be permitting a 3,360 sf winery that would include a 446 sf tasting room, a 400 sf permanent farm stand and related site improvements. The project will result in the disturbance of approximately 0.40-acres on previously disturbed and relatively flat land. The project does not include any special events or industry wide events. Therefore, the proposed winery will not have a significant effect on the environment.

COMMUNITY ADVISORY GROUP COMMENTS

South County Advisory Council had no issues or concerns. The request for a Conditional Use Permit is compatible with the land and there have been no objections from the neighbors.

AGENCY COMMENTS

Public Works – Stock conditions apply; apply standards for driveway approach;

CAL FIRE – Fire safety letter provided dated February 20, 2015;

RWQCB – No comments received.

LEGAL LOT STATUS:

The existing lot was legally created by C98-264, Parcel 17, DOC. 2000-038849 at a time when that was a legal method of creating lots.

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