Negative Declaration & Notice Of Determination

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

ENVIRONMENTAL DETERMINATION NO. ED15-115 **DATE:** 9/15/16

PROJECT/ENTITLEMENT: (Foshay)Minor Use Permit; DRC2015-00039

APPLICANT NAME: Laird & Lisa Foshay
ADDRESS: 10425 Klau Mine Road Paso Robles, CA, 93446
CONTACT PERSON: Lynette Stone **Telephone:** 805-226-2081

PROPOSED USES/INTENT: A request for Minor Use Permit to allow for the construction of a winery facility with a tasting room and an event program. The winery facility will total 9,416 square feet and will include a 3,423 square foot wine storage/barrel storage area, 3,123 square foot processing area, an 870 square foot tasting room and a 2,000 square foot outdoor covered crush pad. Total wine production is estimated to 10,000 cases annually. The event program includes six (6) special events per year with no more than 80 guests. The project does not propose amplified music past 5 p.m.

LOCATION: The project site is located approximately 0.97 miles from Klau Mine Road, and approximately 9.13 miles west of the community of Paso Robles. This site is in the Adelaida Sub Area within the North County Planning Area.

LEAD AGENCY: **County of San Luis Obispo**
Dept of Planning & Building
976 Osos Street, Rm. 200
San Luis Obispo, CA 93408-2040
Website: http://www.sloplanning.org

STATE CLEARINGHOUSE REVIEW: YES ☒ **NO** ☐

OTHER POTENTIAL PERMITTING AGENCIES: Regional Water Quality Control Board
Environmental Health

ADDITIONAL INFORMATION: Additional information pertaining to this Environmental Determination may be obtained by contacting the above Lead Agency address or (805)781-5600.
COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT ..... 4:30 p.m. (2 wks from above DATE)

30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County_____ as ☐ *Lead Agency* ☐ *Responsible Agency* approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures and monitoring were made a condition of approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at the 'Lead Agency' address above.

	Holly Phipps		County of San Luis Obispo
Signature	**Project Manager Name**	**Date**	**Public Agency**

Initial Study Summary – Environmental Checklist

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

(ver 5.8)Using Form

Project Title & No. Foshay Minor Use Permit ED15-115 (DRC2015-00039)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

☒ Aesthetics	☒ Geology and Soils	☐ Recreation
☐ Agricultural Resources	☒ Hazards/Hazardous Materials	☒ Transportation/Circulation
☒ Air Quality	☒ Noise	☐ Wastewater
☒ Biological Resources	☐ Population/Housing	☒ Water /Hydrology
☐ Cultural Resources	☒ Public Services/Utilities	☐ Land Use

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Holly Phipps	Holly Phipps		September 6, 2016
Prepared by (Print)	Signature		Date
James Caruso	James Caruso	Ellen Carroll, Environmental Coordinator (for)	9-6-2016
Reviewed by (Print)	Signature		Date

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The County Planning Department uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Planning Department, 976 Osos Street, Rm. 200, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: A request by Laird and Lisa Foshay for a Minor Use Permit that will allow for the construction of a winery and a tasting room. The applicant is also requesting six special events per year with up to 80 guests. The winery facility will total 9,416 square feet and that will include, a 3,423 square foot wine storage/barrel storage area; a 3,123 square foot processing area; an 870 square foot tasting room; and a 2,000 square foot outdoor covered crush pad. Annual case production will be 10,000 cases.

The project does not propose amplified music past 5 p.m. The project will result in 37,390 square feet (0.86 acres) of disturbance on a 330-acre parcel. The proposed project is within the Agriculture land use category. The project site is located approximately 0.97 miles from Klau Mine Road, and approximately 9.13 miles west of the City of Paso Robles. This site is in the North County Planning Area, Adelaida Sub Area.

ASSESSOR PARCEL NUMBER(S): 014-101-059

Latitude: 35 degrees 36' 42.1848" N Longitude: 120 degrees 52' 11.4666" W

SUPERVISORIAL DISTRICT # 1

B. EXISTING SETTING

PLAN AREA: North County **SUB**: Adelaida

LAND USE CATEGORY: Agriculture

COMB. DESIGNATION: None

PARCEL SIZE: 330.42 acres

TOPOGRAPHY: Gently sloping to moderately sloping

VEGETATION: Oak woodland Grasses

EXISTING USES: Agricultural uses, 40 acres vineyards

SURROUNDING LAND USE CATEGORIES AND USES:

North: Agriculture; Agricultural uses: Grazing	*East:* Agriculture; Agricultural uses: Grazing
South: Agriculture; Agricultural uses: Grazing	*West:* Agriculture; Agricultural uses: Grazing and Vineyards

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, at least one issue was identified as having a potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

1. AESTHETICS *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Create an aesthetically incompatible site open to public view?	☐	☐	☒	☐
b) Introduce a use within a scenic view open to public view?	☐	☐	☒	☐
c) Change the visual character of an area?	☐	☐	☒	☐
d) Create glare or night lighting, which may affect surrounding areas?	☐	☒	☐	☐
e) Impact unique geological or physical features?	☐	☐	☒	☐
f) Other: _____	☐	☐	☐	☒

Aesthetics

Setting. The project site is approximately 330 acres and is occupied by single-family residence, guest house and agricultural accessory structures. The proposed project is located in the Adelaida area approximately 9 miles west of the City of Paso Robles.

The surrounding area is rural in nature, scattered with vineyards, agricultural land, and is vegetated with oak woodlands. The topography of the area consists of gently rolling to steeply sloping hills. The project site is located on an undeveloped area on the property and is surrounded by oak woodland.

Impact. The project proposes the development of a 9,416 square foot wine processing facility and public tasting room. The winery will be located within an open area surrounded by oak trees. The

building will utilize neutral colors and natural materials to blend with the surrounding landscape and vegetation. The proposed agrarian architecture is consistent with the other winery facilities in the Adelaida area. The proposed project will not be visible from a major public roadway or silhouette against any ridgelines as viewed from public roadways.

The addition of light has a potential to create off-site glare. The project is proposing to install lighting fixtures that will not reflect light in an upward direction. No significant visual impacts are expected to occur.

Mitigation/Conclusion. The project will be conditioned to provide an exterior lighting plan in compliance with the Land Use Ordinance to ensure the project does not create off site glare.

The implementation of ordinance measures will reduce the potential visual impacts to less than significant.

2. AGRICULTURAL RESOURCES ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Convert prime agricultural land, per NRCS soil classification, to non-agricultural use?	☐	☐	☐	☒
b) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?	☐	☐	☒	☐
c) Impair agricultural use of other property or result in conversion to other uses?	☐	☐	☒	☐
d) Conflict with existing zoning for agricultural use, or Williamson Act program?	☐	☐	☒	☐
e) Other: _____	☐	☐	☐	☒

Agricultural Resources

Setting. The project is located in the Adelaida area consisting of predominately agricultural lands. The adjacent properties consist of lands used for grazing and vineyard production. The project site is planted with 40 acres of vineyards. The proposed wine processing facility will only produce estate grown wine.

The project will occur on Dibble clay loam and Zakme clay soils. Dibble clay loam is not listed as an important Agricultural Soil in the Conservation and Open Space Element.

Project Elements. The following area-specific elements relate to the property's importance for agricultural production:

Land Use Category: Agriculture

State Classification: Not prime farmland

Historic/Existing Commercial Crops: Grape Varietal

In Agricultural Preserve? Yes

Under Williamson Act contract? Yes

The soil type(s) and characteristics on the subject property include:

Dibble clay loam (9 - 15 % slope). This gently to moderately sloping fine loamy soil is considered not well drained. The soil has high erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: shallow depth to bedrock, slow percolation. The soil is considered Class IV without irrigation and Class III when irrigated.

Dibble clay loam (15-30 % slope). This moderately sloping fine loamy soil is considered not well drained. The soil has high erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock, slow percolation. The soil is considered Class IV without irrigation and Class IV when irrigated.

Dibble clay loam (30 - 50 % slope). This steeply sloping fine loamy soil is considered not well drained. The soil has high erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock, slow percolation. The soil is considered Class IV without irrigation and Class IV when irrigated.

Zakme clay (30 - 50 % slope). This steeply sloping soil is considered very poorly drained. The soil has low erodibility and high shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, slow percolation. The soil is considered Class VI without irrigation and Class is not rated when irrigated.

Impact. The Department of Agriculture (Lynda Auchinachie, September 18, 2015) reviewed the proposed project and concluded that the project will have a less than significant impact to agricultural resources and operations. The Department of Agriculture has recommended the project conditions incorporate best water management practices, and the maximization of pervious and semi-pervious areas for ground water recharge.

Williamson Act and Laird Bill. The project site is currently under a Williamson Act contract, and is subject to both the Williamson Act and Assembly Bill 1492 (Laird). AB 1492 added Section 51250 to the Government Code. The intent of AB 1492 is to limit construction of structures on contracted lands to uses that are directly related to the agricultural use of the land. A use is considered incidental when it is required for or is part of the agricultural use and is valued in line with the expected return of the agriculture on the parcel. AB1492 allows the State Department of Conservation to issue fines and penalties for breaches of contract (e.g., excessive construction of structures or facilities not specific to the agricultural use of the land). Section 51250(b) defines a material breach on land subject to a Williamson Act contract as a commercial, industrial or residential building(s) exceeding 2,500 square feet that is not permissible under the Williamson Act or contract, local uniform rules or ordinances. According to the Agriculture Department, the State considers wineries and associated tasting rooms to be consistent with AB 1492.

The general proposed uses are consistent with the Agriculture Element AGP6 as the proposal is beneficial to the local agricultural industry; the proposed visitor serving uses are clearly secondary to the proposed wine production facility.

Mitigation/Conclusion. The Department of Agriculture reviewed the application and concluded that the project will have a less than significant impact to agricultural resources and operations. The Department recommends the following conditions be part of the permit approval to maximize the availability of water for agricultural production:

- Incorporate best management practices for water conservation purposes.

- Maximize the use of pervious and semi-pervious areas in order to promote groundwater recharge and/or stormwater management, minimize erosion and sedimentation, and protect farmland for agricultural use.

The proposed project will have a less than significant agricultural impact.

3. AIR QUALITY *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?	☐	☐	☒	☐
b) Expose any sensitive receptor to substantial air pollutant concentrations?	☐	☒	☐	☐
c) Create or subject individuals to objectionable odors?	☐	☐	☒	☐
d) Be inconsistent with the District's Clean Air Plan?	☐	☐	☒	☐
e) Result in a cumulatively considerable net increase of any criteria pollutant either considered in non-attainment under applicable state or federal ambient air quality standards that are due to increased energy use or traffic generation, or intensified land use change?	☐	☐	☒	☐
GREENHOUSE GASES				
f) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
g) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐
h) Other: _____	☐	☐	☐	☒

Air Quality

Setting. The Air Pollution Control District (APCD) has developed and updated their CEQA Air Quality Handbook (2012) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

Greenhouse Gas (GHG) Emissions are said to result in an increase in the earth's average surface temperature. This is commonly referred to as global warming. The rise in global temperature is

associated with long-term changes in precipitation, temperature, wind patterns, and other elements of the earth's climate system. This is also known as climate change. These changes are now thought to be broadly attributed to GHG emissions, particularly those emissions that result from the human production and use of fossil fuels.

The passage of AB32, the California Global Warming Solutions Act (2006), recognized the need to reduce GHG emissions and set the greenhouse gas emissions reduction goal for the State of California into law. The law required that by 2020, State emissions must be reduced to 1990 levels. This is to be accomplished by reducing greenhouse gas emissions from significant sources via regulation, market mechanisms, and other actions. Subsequent legislation (e.g., SB97-Greenhouse Gas Emissions bill) directed the California Air Resources Board (CARB) to develop statewide thresholds.

In March 2012, the San Luis Obispo County Air Pollution Control District (APCD) approved thresholds for GHG emission impacts, and these thresholds have been incorporated the APCD's CEQA Air Quality Handbook. APCD determined that a tiered process for residential / commercial land use projects was the most appropriate and effective approach for assessing the GHG emission impacts. The tiered approach includes three methods, any of which can be used for any given project:

1. Qualitative GHG Reduction Strategies (e.g. Climate Action Plans): A qualitative threshold that is consistent with AB 32 Scoping Plan measures and goals; or,
2. Bright-Line Threshold: Numerical value to determine the significance of a project's annual GHG emissions; or,
3. Efficiency-Based Threshold: Assesses the GHG impacts of a project on an emissions per capita basis.

For most projects the Bright-Line Threshold of 1,150 Metric Tons CO2/year (MT CO2e/yr) will be the most applicable threshold. In addition to the residential/commercial threshold options proposed above, a bright-line numerical value threshold of 10,000 MT CO2e/yr was adopted for stationary source (industrial) projects.

It should be noted that projects that generate less than the above mentioned thresholds will also participate in emission reductions because air emissions, including GHGs, are under the purview of the California Air Resources Board (or other regulatory agencies) and will be "regulated" either by CARB, the Federal Government, or other entities. For example, new vehicles will be subject to increased fuel economy standards and emission reductions, large and small appliances will be subject to more strict emissions standards, and energy delivered to consumers will increasingly come from renewable sources. Other programs that are intended to reduce the overall GHG emissions include Low Carbon Fuel Standards, Renewable Portfolio standards and the Clean Car standards. As a result, even the emissions that result from projects that produce fewer emissions than the threshold will be subject to emission reductions.

Under CEQA, an individual project's GHG emissions will generally not result in direct significant impacts. This is because the climate change issue is global in nature. However, an individual project could be found to contribute to a potentially significant cumulative impact. Projects that have GHG emissions above the noted thresholds may be considered cumulatively considerable and require mitigation.

A Geologic Evaluation was performed by Beacon Geotechnical, dated June 24, 2016 which determined the likelihood of encountering serpentine deposits is low. Air Pollution Control District reviewed the Geologic Evaluation and agrees with the evaluation and agrees the likelihood of encountering naturally occurring asbestos, serpentine deposits is low and no additional information is required (July 21, 2016).

Impact. The project will result in the disturbance of approximately 0.86 acres of the 330 property that

will include grading of the production and tasting room area and access driveway.

This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. The project will be moving less than 1,200 cubic yards/day of material and will disturb less than four acres of area, and therefore will be below the general thresholds triggering construction-related mitigation. The project is also not in close proximity to sensitive receptors that might otherwise result in nuisance complaints and be subject to limited dust and/or emission control measures during construction.

From an operational standpoint, based on Table 1-1 of the CEQA Air Quality Handbook (2012), the project will not exceed operational thresholds triggering mitigation. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan. No significant air quality impacts are expected to occur.

Using the GHG threshold information described in the Setting section, the project is expected to generate less than the Bright-Line Threshold of 1,150 metric tons of GHG emissions. Therefore, the project's potential direct and cumulative GHG emissions are found to be less significant and less than a cumulatively considerable contribution to GHG emissions. Section 15064(h)(2) of the CEQA Guidelines provide guidance on how to evaluate cumulative impacts. If it is shown that an incremental contribution to a cumulative impact, such as global climate change, is not 'cumulatively considerable', no mitigation is required. Because this project's emissions fall under the threshold, no mitigation is required.

The project proposes to disturb soils that have been given a wind erodibility rating of 6, which is considered "moderate".

Unpaved Access. The project has proposed an unpaved access road (Borealis Way) to connect to the project site's winery production and tasting room facilities. The project is accessed by an approximate 0.9 mile unpaved access road. APCD recommends mitigation measures to reduce impacts to a less thansignificant level.

Objectionable Odors. In winemaking, wash and wastewater contain large amounts of organic matter. High organic loading results in high Biochemical Oxygen Demand (BOD) levels, and over time, the lack of oxygen allows anaerobic bacteria to proliferate (turn septic) and cause odor problems. This wastewater will be captured and stored inside the production barn where odors will be less likely to escape to the ambient atmosphere. However, there is the potential for the generation of odors from the land application of wastewater following the winemaking process. Odors generated by the project are not expected to adversely impact surrounding properties because:

Development Burning. On February 5, 2000, the SLO APCD prohibited development burning of vegetative material within San Luis Obispo County. However, in under certain circumstances where no technically feasible alternative is available, limited burning may be allowed subject to regulations applied by the SLO APCD. Unregulated burning would result in a potentially significant impact.

Mitigation/Conclusion. A review of the project was completed by the Air Pollution Control (September 28, 2015) District of San Luis Obispo determined that the proposed grading will cause excess fugitive dust emissions containing naturally occurring asbestos. Naturally occurring asbestos exists on Borealis Way and can be encountered during any other grading for this project.

The APCD has included mitigation measures to control fugitive dust emissions on the unpaved access road to the site. One of the following measures must be implemented:

a. For the life of the project, pave and maintain Borealis Way, driveways, and/or parking areas.
b. For the life of the project, maintain Borealis Road and unpaved driveways, and/or parking areas with dust suppressant (See Technical Appendix 4.3 of the APCD's CEQA Handbook for a list of the APCD-approved suppressants) such fugitive dust emissions do not exceed the

APCD 20% opacity limit of greater than 3 minutes in any 60 minute period (APCD Rule 401) or prompt nuisance violations (APCD Rule 402).

c. Also, to improve the dust suppressant's long term efficacy, the applicant shall also implement and maintain design standards to ensure vehicles that use unpaved access to the site are physically limited (e.g. speed bumps) to posted speed limit of 15 mph or less.

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, contact the APDD at (805) 781-5912.

Implementation of the mitigation measures described above and listed in Exhibit B would mitigate identified air quality impacts to less than significant levels.

4. BIOLOGICAL RESOURCES *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Result in a loss of unique or special status species* or their habitats?	☐	☐	☒	☐
b) Reduce the extent, diversity or quality of native or other important vegetation?	☐	☒	☐	☐
c) Impact wetland or riparian habitat?	☐	☐	☒	☐
d) Interfere with the movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?	☐	☐	☒	☐
e) Conflict with any regional plans or policies to protect sensitive species, or regulations of the California Department of Fish & Wildlife or U.S. Fish & Wildlife Service?	☐	☐	☒	☐
f) Other: _____	☐	☐	☐	☒

*** Species – as defined in Section15380 of the CEQA Guidelines, which includes all plant and wildlife species that fall under the category of rare, threatened or endangered, as described in this section.**

Biological Resources

Setting. A Biological Report was completed by Althouse and Meade Inc in August 2015 to survey the project site and surrounding area for special status species. The oak woodland surrounding the project site provides possible habitats for special status birds, reptiles, bats and mammals. The applicant shall ensure that special status species with potential to occur in the study area or be affected by the proposed project are protected from take. The Biological Report (August 2015)

includes discussions of the following special status species:

Special Status Birds

Golden eagles were not nesting in the study area in 2015 and are extremely unlikely to be nesting in 2016. No further surveys are warranted to ensure golden eagles would not be affected by the proposed project. Grading or ground disturbance in grassland habitat during the nesting season shallbe preceded by nesting bird surveys as outlined in the mitigation. Special status bird nests should be avoided by 300 feet, or determined by the project biologist.

Special Status Reptiles

No impacts to special status reptile habitat are anticipated; therefore, no mitigation measures are required.

Special Status Bats

The proposed project is not expected to remove or significantly affect large oak trees that could provide roosting habitat for bats; therefore no mitigation measures are required.

Special Status Mammals

Woodrat nests were not observed in the study area but are likely to occur in dense wooded areas. The proposed project would not likely affect dense wooded habitat and therefore would not likely affect Monterey dusky-footed woodrat. No further measures are recommended for protection of woodrats in the study area.

The following are existing elements on or near the proposed project relating to potential biological concerns:

On-site Vegetation: Oak savanna to oak woodland

Name and distance from blue line creek(s): Four intermittent streams found on site. One pond in lower northwest corner

Habitat(s): Valley and Southern Coastal Grasslands, Oak Woodland

[Site's tree canopy coverage: Approximately 34-70%.]

The Natural Diversity Database (or other biological references) identified the following species potentially existing within approximately one mile of the proposed project:

Vegetation:

Pecho manzanita (Arctostaphylos pechoensis) List 1B

Pecho manzanita *(Arctostaphylos pechoensis)* has been found about 0.99 miles to the northwest. This evergreen shrub is found on siliceous shale in closed-cone coniferous forest, chaparral, and coastal scrub habitats between the 150 and 850-meter elevations (490 to 2,790 feet). The typical blooming period is November-March. Pecho manzanita is considered rare by CNPS (List 1B, RED 2-2-3).

Santa Lucia manzanita (Arctostaphylos luciana) List 1B

Santa Lucia manzanita *(Arctostaphylos luciana)* has been found about 0.99 miles to the northwest. This evergreen shrub is found on shale soils in chaparral and cismontane woodland areas between the 1570 and 2000-meter elevations (5,150 to 6,565 feet). The typical blooming period is February-March. Santa Lucia manzanita is considered rare by CNPS (List 1B, RED 2-2-3).

Grasslands

The annual grasslands habitat in the proposed project area is a naturalized vegetation community consisting of introduced annual grass species, non-native and native forbs, and bunchgrass.

Oak Woodland

The woodland area within the property and surrounding the project site consists predominately of coast live oak and valley oak species. Other tree species that are found within this woodland habitat include: foothill pine, Pacific Madrone, and California bay which occur in stands or individually. The canopy is typically dense with an understory consisting of annual grasses, forbs, and shrubs.

Impact. The proposed project does require the removal of two dead native white oak trees located at the southern edge of the project site near the proposed entryway to the tasting room. It is anticipated that no more than eight oak trees will be impacted and two dead oak trees will be removed due to site disturbance; however, required road improvements may cause additional tree impacts.

Mitigation/Conclusion. The applicant shall replace removed oaks tree at a 4:1 ratio and any impacted trees at a 2:1 ratio. Adequate watering, weeding and remedial work should be done to care for the oak seedlings until they are successfully established.

If work occurs during the nesting season, birds protected by the Migratory Bird Treaty Act and/or the California Department of Fish and Game Code may be impacted. Short-term, temporary impacts to nesting birds (and other wildlife in the area) include noise and vibration during construction. Mitigation is offered to avoid any impacts to nesting birds

The implementation of the measures described above and listed in Exhibit B will would mitigate biological resource impacts to less than significant levels.

5. CULTURAL RESOURCES *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Disturb archaeological resources?	☐	☐	☒	☐
b) Disturb historical resources?	☐	☐	☒	☐
c) Disturb paleontological resources?	☐	☐	☒	☐
d) Cause a substantial adverse change to a Tribal Cultural Resource?	☐	☐	☒	☐
e) Other: _____	☐	☐	☐	☒

Cultural Resources

Setting. The project is located in an area historically occupied by the Salinan and Chumash tribes. No historic structures are present and no paleontological resources are known to exist within the property of the proposed project. The project site is located within a parcel containing streams in the eastern and western portions of the property. Potential for the presence or regular activities of the Native American increases in close proximity to reliable water sources including a blue line stream.

AB52 is applicable to projects that are subject to a Negative Declaration or Environmental Impact Report (does not apply to CEQA exemptions.) The bill specifies that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource, as defined, is a project that may have a significant effect on the environment. The bill requires a lead agency to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the

geographic area of the proposed project.

Impact. The project is not located in an area that would be considered culturally sensitive due to lack of physical features typically associated with prehistoric occupation. In accordance with AB52, a request for consultation letter was sent to the Yak Tityu Tityu – Northern Chumash Tribe, Xolon Salinan Tribe, Northern Chumash Tribal Council, and the Salinan Tribe of Monterey and San Luis Obispo Counties representatives on August 19, 2015. Xolon Salinian tribe requests caution in this general area due to historical location of Las Tablas Creek. The project is located approximately one mile from the historical location.

A search of archeological sensitive areas around the subject property identified a sensitive area 2 miles from the property boundary. No previous cultural surveys were found for the subject property and no evidence of cultural or historical resources was noted on the property.

The proposed project is located more than 500 feet away from a blue line stream. A Phase I Archaeological survey was not required due to the distance between the project site and the stream.

Mitigation/Conclusion. It is not anticipated that the proposed development of the wine production facility/tasting room will result in any significant cultural impacts; therefore no mitigation measures are necessary.

6. GEOLOGY AND SOILS *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?	☐	☒	☐	☐
b) Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone", or other known fault zones*?	☐	☐	☐	☒
c) Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?	☐	☒	☐	☐
d) Include structures located on expansive soils?	☐	☒	☐	☐
e) Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?	☐	☐	☒	☐
f) Preclude the future extraction of valuable mineral resources?	☐	☐	☐	☒
g) Other: _____	☐	☐	☐	☒

* Per Division of Mines and Geology Special Publication #42

Geology and Soils

Setting. The project is not within the Geologic Study area designation or within a high liquefaction area, and is subject to the preparation of a geological report per the County's Land Use Ordinance (LUO Section 22.14.070 (c) to evaluate geologic stability. Beacon Geotechnical, Inc prepared a Geological Characterization Report (February 29, 2016) for the proposed winery building and tasting. The report evaluates the area's geologic stability relating to the proposed use and summarizes geologic aspects or conditions as follows:

Topography: Gently sloping to moderately sloping

Within County's Geologic Study Area?: No

Landslide Risk Potential: High

Liquefaction Potential: Low

Nearby potentially active faults?: No Distance? Not applicable

Area known to contain serpentine or ultramafic rock or soils?: No

Shrink/Swell potential of soil: Moderate to high

Other notable geologic features? None

Beacon Geotechnical Inc encountered expansive soils at the site during the Geotechnical Study. Expansive soils tend to swell with seasonal increases in soil moisture and shrink during the dry season as soil moisture decreases. The volume changes that the soils undergo in this cyclical pattern can stress and damage structures if precautionary measures are not incorporated into design and construction. Based on the existing soil types and descriptions listed in the Agricultural section under "Settings," the "shrink-swell" potential of the project's soil(s) are considered moderate to high.

For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO Sec. 22.52.110) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

SEDIMENTATION AND EROSION – Soil type, amount of disturbance and slopes are key aspects to analyzing potential sedimentation and erosion issues. The Geotechnical Engineering Report found that the site is located on moderately inclined slopes and contains loose silty clayey sands. The site further experiences high rates of rainfall in the winter months. These geologic and environmental features make the site susceptible for moderate erosion and sedimentation problems. According to the project's soil types and descriptions listed in the previous Agriculture section under "Setting" and as described in the NRCS Soil Survey, the project's soil erodibility is as follows:

Soil erodibility: Low to high

When highly erosive conditions exist, a sedimentation and erosion control plan is required (LUO Sec. 22.52.120) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects which do not disturb more than one acre of land and will not be subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff, monitored by the Regional Water Quality Control Board.

Impact. As proposed, the project will result in the disturbance of approximately 0.86 acres (37,390 square feet). Grading for the development of the proposed winery and tasting room facilities have the potential to result in erosion and sedimentation. Additionally, the Geological Characterization Report found that destabilization of engineered fills and structures has a potential risk if improper grading and drainage practices are not implemented. Improper drainage causes the soils to saturate and further

induces the shrink swell cycle of expansive soils. The county overlay identifies the Adelaida area as a region of high landslide potential. While adverse bedrock bedding conditions exist regionally and contribute to landslide events, there is a lack of evidence of prior landslides and adverse bedding on site therefore the report concluded that the risk of landslides are low within the project area.

The project is not located within an earthquake fault zone identified by the Alquist-Priolo Earthquake Fault Zoning Maps. However, nearby active faults have the potential to produce ground shaking which can impact the stability and structural integrity of the proposed structures.

Mitigation/Conclusion. The Geologic Characterization Report was completed for the project site and was submitted to the county for review. No significant geologic impacts were identified and the susceptibility for landsliding is low.

Brian Papurello with LandSet Engineers reviewed the report. Recommendations will become part of the project's conditions of approval. The project geotechnical engineer and engineering geologist are required to review the project's improvement and foundation plans and submit a review letter. Prior to the construction of the project, all recommendations included in the Geological Characterization Report by Beacon Geotechnical, Inc. (February 29, 2016) must be implemented. These recommendations include, but are not limited to, proper design of structures to withstand seismic activity, proper grading practices to provide stable conditions for structures, and the implementation of erosion control measures. Implementation of ordinance standards and above recommendations will reduce potential impacts to less than significant.

7. HAZARDS & HAZARDOUS MATERIALS - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼-mile of an existing or proposed school?	☐	☐	☒	☐
d) Be located on, or adjacent to, a site which is included on a list of hazardous material/waste sites compiled pursuant to Gov't Code 65962.5 ("Cortese List"), and result in an adverse public health condition?	☐	☐	☐	☒
e) Impair implementation or physically interfere with an adopted emergency response or evacuation plan?	☐	☐	☒	☐

7. HAZARDS & HAZARDOUS MATERIALS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
f) If within the Airport Review designation, or near a private airstrip, result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Increase fire hazard risk or expose people or structures to high wildland fire hazard conditions?	☐	☒	☐	☐
h) Be within a 'very high' fire hazard severity zone?	☐	☒	☐	☐
i) Be within an area classified as a 'state responsibility' area as defined by CalFire?	☐	☐	☒	☐
j) Other: _____	☐	☐	☐	☒

Hazards and Hazardous Materials

Setting. The project is not located in an area of known hazardous material contamination. The project is not within the Airport Review area. With regards to potential fire hazards, the subject project is within the Very High Fire Hazard Severity Zone.

The project has been reviewed by CAL FIRE (Clint Bullard, December 4, 2015) for code requirements relating to fire protection; their comments will be incorporated into conditions of project approval. In addition, the project is required to comply with the California Building Code and to incorporate the following safety features: an on-site fire extinguisher; gate design that will enable access by emergency personnel (including KNOX box); proper addressing; the creation of defensible space (200-foot clearance of combustible vegetation around structures).

Refer to the Public Services section for further discussion on Fire Safety impacts.

Impact. The project does not propose the use of hazardous materials or the generation of hazardous wastes. The proposed project is not found on the 'Cortese List' (which is a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5).

The proposed special events present a fire safety risk due to the extended fire response time of 25-30 minutes. The project is proposed to have a secondary emergency/access road to the winery and is not expected to conflict with any regional emergency response or evacuation route plans.

Mitigation/Conclusion. CAL FIRE prepared a Fire Safety Plan (Clint Bullard) to address potential fire safety concerns. As conditioned, the applicant shall implement the Fire Safety Plan and operate the winery and all special events in full compliance with all requirements. Such requirements include but are not limited to: commercial fire sprinkler system, alarms, and evacuation plans.

No significant impacts as a result of hazards or hazardous materials are anticipated. In addition to code requirements, the following mitigation measures are recommended for public assemblage and events.

In order to mitigate concerns regarding the existing primary access road and as a requirement of the requested event program, secondary access shall be required. The secondary access road shall be required to meet all relative requirements for grade/width and all-weather surface or paving.

As mitigation for the extended response time from the nearest CAL FIRE/County Fire station, an individual trained and certified as an Emergency Medical Technician (E.M.T.) within the county of San Luis Obispo shall be required at all events. This person shall not be a "guest" or an attendee of the event and must also function as a Fire Watch throughout the event(s).

The implementation of the above summarized measures and ordinance requirements will mitigate potential impacts associated hazards to a less than significant level. A detailed description of the required mitigation measures are listed in Exhibit B - Mitigation Summary Table.

8. NOISE *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Expose people to noise levels that exceed the County Noise Element thresholds?	☐	☒	☐	☐
b) Generate permanent increases in the ambient noise levels in the project vicinity?	☐	☒	☐	☐
c) Cause a temporary or periodic increase in ambient noise in the project vicinity?	☐	☐	☒	☐
d) Expose people to severe noise or vibration?	☐	☐	☒	☐
e) If located within the Airport Review designation or adjacent to a private airstrip, expose people residing or working in the project area to severe noise levels?	☐	☐	☐	☒
f) Other: _____	☐	☐	☐	☒

Noise

Setting. The project is not within close proximity of loud noise sources, and will not conflict with any sensitive noise receptors (e.g., residences). Based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area.

Impact. The applicant has requested to hold six special events each year with up to 80 guests attending each event. Additionally, the winery has proposed to hold periodic industry-wide events as currently allowed by the Land Use Ordinance (LUO). The applicant has proposed that each event include amplified music.

Noise impacts can occur as a result of amplified music if the events occur within the vicinity of sensitive receptors (e.g., residences). The subject property and the project site are not within close proximity to any residences. In compliance with the LUO, the applicant has proposed to limit amplified music between the hours of 10 a.m. and 5 p.m. Therefore, with the implementation of LUO standards, no significant impacts are anticipated.

Mitigation/Conclusion. Any special events with amplified music will not have amplified music before 10 a.m. or after 5 p.m. as required by the LUO, Section 22.30.070.D.2.i(3). The project shall comply with the County Noise Element. No mitigation measures beyond the LUO noise standards are required.

9. POPULATION/HOUSING *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Induce substantial growth in an area either directly (e.g., construct new homes or businesses) or indirectly (e.g., extension of major infrastructure)?	☐	☐	☒	☐
b) Displace existing housing or people, requiring construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Create the need for substantial new housing in the area?	☐	☐	☐	☒
d) Other: _____	☐	☐	☐	☒

Population/Housing

Setting In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county. The County's Inclusionary Housing Ordinance requires provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions.

Impact. The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

Mitigation/Conclusion. No significant population and housing impacts are anticipated. The project will mitigate its cumulative impact to the shortage of affordable housing stock by providing affordable housing unit(s) either on-site and/or by payment of the in-lieu fee (residential projects), or housing impact fee (commercial projects). No mitigation measures are necessary.

10. PUBLIC SERVICES/UTILITIES *Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Fire protection?	☐	☒	☐	☐
b) Police protection (e.g., Sheriff, CHP)?	☐	☒	☐	☐
c) Schools?	☐	☒	☐	☐
d) Roads?	☐	☒	☐	☐

10. PUBLIC SERVICES/UTILITIES

Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
e) Solid Wastes?	☐	☐	☒	☐
f) Other public facilities?	☐	☐	☒	☐
g) Other: _____	☐	☐	☐	☒

Public Services and Utilities

Setting. The project area is served by the following public services/facilities:

Police: County Sheriff Location: (Approximately 9.63 miles to the southeast)

Fire: Cal Fire (formerly CDF) Hazard Severity: High Response Time: More than 20 minutes

Location: (Approximately 9.75 miles to the southeast)

School District: Paso Robles Joint Unified School District.

For additional information regarding fire hazard impacts, go to the 'Hazards and Hazardous Materials' section

Impact. No significant project-specific impacts to utilities or public services were identified. This project, along with others in the area, will have a cumulative effect on police/sheriff and fire protection, and schools. The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

Mitigation/Conclusion. The project has been reviewed by CAL FIRE and is required to implement the measures outlined in the Fire Evacuation and Safety Plans in addition to providing an Emergency Medical Technician at all special events. Refer to Mitigation Summary Table (Exhibit B) for a list of the mitigations under Hazards and Hazardous Materials.

Regarding cumulative effects, public facility (County) and school (State Government Code 65995 et seq.) fee programs have been adopted to address this impact.

11. RECREATION

Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase the use or demand for parks or other recreation opportunities?	☐	☐	☐	☒
b) Affect the access to trails, parks or other recreation opportunities?	☐	☐	☐	☒
c) Other _____	☐	☐	☐	☒

Recreation

Setting. The County's Parks and Recreation Element does not show that a potential trail goes through the proposed project. The project is not proposed in a location that will affect any trail, park, recreational resource, coastal access, and/or Natural Area.

Impact. The proposed project will not create a significant need for additional park, Natural Area, and/or recreational resources.

Mitigation/Conclusion. No significant recreation impacts are anticipated, and no mitigation measures are necessary.

12. TRANSPORTATION/CIRCULATION *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase vehicle trips to local or areawide circulation system?	☐	☒	☐	☐
b) Reduce existing "Level of Service" on public roadway(s)?	☐	☐	☒	☐
c) Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?	☐	☐	☒	☐
d) Provide for adequate emergency access?	☐	☐	☒	☐
e) Conflict with an established measure of effectiveness for the performance of the circulation system considering all modes of transportation (e.g. LOS, mass transit, etc.)?	☐	☐	☒	☐
f) Conflict with an applicable congestion management program?	☐	☐	☒	☐
g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☒	☐
h) Result in a change in air traffic patterns that may result in substantial safety risks?	☐	☐	☐	☒
i) Other: _____	☐	☐	☐	☒

Transportation

Setting. The project site is located approximately 0.97 miles from Klau Mine Road, and approximately 9.13 miles west of the City of Paso Robles. The project site is located off of Dodd Ranch Road on Borealis Way, a non-county maintained road, approximately 0.9 miles southeast of Klau Mine Road. Primary access to the property will be from Dodd Ranch Road, a non-county maintained road, where it intersects with Klau Mine Road (a collector road).

Based on existing road speeds and configuration (vertical and horizontal road curves), sight distance at the intersection of Dodd Ranch Road and Klau Mine Road is approximately 400 feet (EG Engineering, December 22, 2015) and considered acceptable by the County's Department of Public Works.

The County has established the acceptable Level of Service (LOS) on roads for this rural area as "C" or better. The proposed project will not change the current Level of Service which is "C" or better for roads in rural areas.

The project will contribute traffic to the intersection of Adelaida Road and Nacimiento Lake Drive. Public Works is in the process of designing left turn improvements for the intersection and has determined that this project shall pay its fair share contribution toward the cost of these improvements of $2,051 per PM peak hour trip. The fee will be calculated and paid with each building permit. Based on information provided as part of the application, special events traffic is anticipated to occur on evenings and weekends outside the PM peak hour.

Impact. The project proposes the construction of a 9,416 square foot winery facility that will include a a 870 square foot tasting room. The event program includes 6 special events per year with no more than 80 guests.

Based on the Site Distance and Traffic Evaluation (EG Engineering, December 22, 2015), the project is estimated to generate:

- Two trips per day for tasting room and winery operations
- Seven trips per day for tasting room guests

The traffic generated by the project is so limited that trip generation information cannot be presented in units of peak hourly traffic (EG Engineering, December 22, 2015).

Special events are planned for 6 times per year with a maximum attendance of 80 guests. Special events are expected to generate 32 peak hour trips. Special events will be held on weekends during the day or evening which would presumably not coincide with the morning or afternoon peak hours.

This small amount of additional traffic will not result in a significant change to the existing road service or traffic safety levels. The project was reviewed by the San Luis Obispo County Department of Public Works and did not identify any significant traffic impacts (Tim Tomlinson, January 19, 2016). The project does not conflict with adopted policies, plans and programs on transportation.

Mitigation/Conclusion. Parking shall be provided in compliance with LUO Section 22.18.060, special event and industry-wide event parking shall be in compliance with LUO Section 22.30.610, and all driveways and gates shall be constructed in accordance with County Public Improvement Standards and per Resolution 2008-152.

The Adelaida Road and Nacimiento Lake Drive Cumulative Impact Fee will adequately mitigate the project's contribution to areawide circulation impacts and will reduce cumulative impacts to a less than significant level. Refer to Exhibit B – Mitigation Summary Table for details.

13. WASTEWATER ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?	☐	☐	☒	☐
b) Change the quality of surface or ground water (e.g., nitrogen-loading, day-lighting)?	☐	☐	☒	☐

13. WASTEWATER *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) *Adversely affect community wastewater service provider?*	☐	☐	☐	☒
d) *Other:* _____	☐	☐	☐	☒

Wastewater

Setting. An existing well on the property will be utilized as the project's water source and an on-site septic system for wastewater will be implemented. The on-site well produces 12 gpm. The winery will use two wastewater systems, one for domestic waste and one for processing waste. The project is not located within the Paso Robles Ground Water Basin. The project is estimated to use 0.5 acre feet per year.

The proposed winery project has been conditioned through the Minor Use Permit and will require the issuance of a "Winery Discharge Permit" from the Regional Water Quality Control Board or receive an exemption for liquid waste disposal (the process waste). The RWQCB will conduct a final review and approval of the wastewater disposal system.

The proposed winery facility is proposing up to 10,000 cases annually that will result in the use of approximately 550 gallons of water each day (gpd) during peak crush period.

The wastewater will be collected, stored and reapplied to the land using application rates and methods consistent with the General Winery Wasted Discharge Requirements.

Based on Natural Resource Conservation Service (NRCS) Soil Survey map, the soil type(s) for the project is provided in the listed in the previous Agricultural Resource section. The main limitation(s) of this soil for wastewater effluent include:

--***shallow depth to bedrock***, which is an indication that there may not be sufficient soil depth to provide adequate soil filtering of effluent before reaching bedrock. Once effluent reaches bedrock, the chances increase for the effluent to infiltrate cracks that could lead directly to groundwater source or surrounding wells without adequate filtering, or allow for daylighting of effluent where bedrock is exposed to the earth's surface. In this case, based on soil boring information, it is expected that there will be sufficient separation between leach line and bedrock to provide for adequate filtering of effluent, and no special requirements (e.g., engineered system) are anticipated to be able to meet Basin Plan/CPC requirements.

--***steep slopes***, where portions of the soil unit contain slopes steep enough to result in potential daylighting of wastewater effluent. In this case, the proposed leach lines are located on the nearly level portion of the subject property that is sufficiently set back from any steep slopes to avoid potential daylighting of effluent. Therefore, no measures are necessary above what is called out for in the CPC/Basin Plan to address potential steep slopes.

--***slow percolation***, where fluids will percolate too slowly through the soil for the natural processes to effectively break down the effluent into harmless components. The Basin Plan identifies the percolation rate should be greater than 30 and less than 120 minutes per inch. In this case, the soils report identified percolation rates for the soil ranges from 20 to 50 minutes per inch for all leach line locations. Because the soils percolate at a rate falling between 30 and 120 minutes per inch, no additional measures above what is already required for a standard septic system is needed.

Impacts/Mitigation. Wastewater system design must be consistent with the regulations and guidelines found within the County's Plumbing Code, the "Water Quality Control Plan, Central Coast Basin," and the California Plumbing Code, or the project's construction permit(s) will not be approved. These regulations include specific requirements for both on-site and community wastewater systems and are applied to all new wastewater systems. Based on the following project conditions and design features, wastewater impacts are considered less then significant:

The project proposes to use on-site systems as the means to dispose of wastewater. Standard systems are proposed to manage domestic wastewater generated by the winery and, based on the proposed project, adequate area appears available for an on-site system.

The winery is proposing to use less than 2,500 gallons of water per day. Volumes greater then this level require approval by the State Regional Water Quality Control Board (RWQCB). The RWQCB will also conduct a final review and approval of the proposed wastewater system.

Based on the above discussion and information provided, the site appears to be able to design an on-site system that will meet CPC/Basin Plan requirements. Prior to building permit issuance and/or final inspection of the wastewater system, the applicant will need to show to the county compliance with the County Plumbing Code/ Central Coast Basin Plan, including any above-discussed information relating to potential constraints. Therefore, based on the project being able to comply with these regulations, potential groundwater quality impacts are considered less than significant.

14. WATER & HYDROLOGY ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
QUALITY				
a) Violate any water quality standards?	☐	☐	☒	☐
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, sediment, temperature, dissolved oxygen, etc.)?	☐	☐	☒	☐
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	☐	☐	☒	☐
d) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide additional sources of polluted runoff?	☐	☐	☒	☐
e) Change rates of soil absorption, or amount or direction of surface runoff?	☐	☒	☐	☐
f) Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?	☐	☐	☒	☐
g) Involve activities within the 100-year flood zone?	☐	☐	☒	☐
QUANTITY				
h) Change the quantity or movement of available surface or ground water?	☐	☐	☒	☐

14. WATER & HYDROLOGY *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
i) Adversely affect community water service provider?	☐	☐	☐	☒
j) Expose people to a risk of loss, injury or death involving flooding (e.g., dam failure,etc.), or inundation by seiche, tsunami or mudflow?	☐	☐	☒	☐
k) Other: _____	☐	☐	☐	☒

Water

Setting. The project site is not located within a defined groundwater basin. The project proposes to obtain its water needs from an onsite well. The project has proposed to initially produce 5,000 cases annually and later increase winery case production to 10,000 cases per year. The existing on-site well produces 12 gallons per minute. The Environmental Health Division has reviewed (Leslie Terry, September 16, 2015) the project for water availability and no concerns were identified. Based on available information, the proposed water source is not known to have any significant availability or quality problems.

The topography of the project is gently sloping to moderately sloping The closest creek from the proposed development is approximately 0.1 miles away. As described in the NRCS Soil Survey, the soil surface is considered to have moderate to high erodibility.

Projects involving more than one acre of disturbance are subject to preparing a Storm Water Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion. When work is done in the rainy season, the County's Land Use Ordinance requires that temporary erosion and sedimentation measures to be installed.

DRAINAGE – The following relates to the project's drainage aspects:

Within the 100-year Flood Hazard designation? No

Closest creek? Unnamed Intermitent Creek Distance? Approximately 510 feet

Soil drainage characteristics: Well drained

For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO Sec. 22.52.110) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

SEDIMENTATION AND EROSION – Soil type, area of disturbance, and slopes are key aspects to analyzing potential sedimentation and erosion issues. The project's soil types and descriptions are listed in the previous Agriculture section under "Setting". As described in the NRCS Soil Survey, the project's soil erodibility is as follows:

Soil erodibility: Moderate to high

A sedimentation and erosion control plan is required for all construction and grading projects (LUO Sec. 22.52.120) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more

than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

Impact – Water Quality/Hydrology

With regards to project impacts on water quality the following conditions apply:

- ✓ Approximately 37,390 square feet (0.86 acres) of site disturbance is proposed
- ✓ The project will be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use;
- ✓ The project is more than 100 feet from the closest creek or surface water body;
- ✓ Stockpiles will be properly managed during construction to avoid material loss due to erosion;
- ✓ The project is subject to the County's Plumbing Code, and the "Water Quality Control Plan, Central Coast Basin" for its wastewater requirements, where wastewater impacts to the groundwater basin will be less than significant;
- ✓ All hazardous materials and/or wastes will be properly stored on-site, which include secondary containment should spills or leaks occur;

Regarding surface water quality, as proposed, the project will result in the disturbance of approximately 0.86 acres and the excess spoils will remain on site and dispersed throughout the property. A SWPPP is not required because land disturbance is not over one acre.

Water Quantity

The proposed project will ultimately produce up to 10,000 cases of wine annually, which could result in the average water use per industry standards of 550 gallons per day/during crush and an annual water use of 0.5 acre feet.

Based on available water information, there are no known constraints to prevent the project from obtaining its water demands.

Mitigation/Conclusion. As specified above for water quality, existing regulations and/or required plans will adequately address surface water quality impacts during construction and permanent use of the project. No additional measures above what are required or proposed are needed to protect water quality. Based on the proposed amount of water to be use and the water source, no significant impacts from water use are anticipated.

15. LAND USE

Will the project:	**Inconsistent**	**Potentially Inconsistent**	**Consistent**	**Not Applicable**
a) Be potentially inconsistent with land use, policy/regulation (e.g., general plan [County Land Use Element and Ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?	☐	☐	☒	☐
b) Be potentially inconsistent with any habitat or community conservation plan?	☐	☐	☒	☐
c) Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?	☐	☐	☒	☐

15. LAND USE

Will the project:

	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
d) Be potentially incompatible with surrounding land uses?	☐	☐	☒	☐
e) Other: _____	☐	☐	☐	☒

Land Use

Setting/Impact. Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CAL FIRE for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project is subject to the following Planning Area Standard(s) as found in the County's Land Use Ordinance:

1. 22.092 Adelaida Planning Area

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

Mitigation/Conclusion. No inconsistencies were identified and therefore no additional measures above what will already be required were determined necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history?	☐	☒	☐	☐
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	☐	☒	☐	☐
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

For further information on CEQA or the County's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Information", or the California Environmental Resources Evaluation System at: http://www.ceres.ca.gov/topic/env_law/ceqa/guidelines for information about the California Environmental Quality Act.

Exhibit A - Initial Study References and Agency Contacts

The County Planning Department has contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

Contacted	Agency	Response
☒	County Public Works Department	**Attached**
☒	County Environmental Health Services	**Attached**
☒	County Agricultural Commissioner's Office	**Attached**
☐	County Airport Manager	**Not Applicable**
☐	Airport Land Use Commission	**Not Applicable**
☒	Air Pollution Control District	**Attached**
☐	County Sheriff's Department	**Not Applicable**
☐	Regional Water Quality Control Board	**Not Applicable**
☐	CA Coastal Commission	**Not Applicable**
☐	CA Department of Fish and Wildlife	**Not Applicable**
☒	CA Department of Forestry (Cal Fire)	**Attached**
☐	CA Department of Transportation	**Not Applicable**
☐	Community Services District	**Not Applicable**
☒	Other NCTC	**In File**
☐	Other Xolon Salinan Tribe,	**Attached**

*** "No comment" or "No concerns"-type responses are usually not attached*

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

☒ Project File for the Subject Application

County documents

☐ Coastal Plan Policies
☒ Framework for Planning (Coastal/Inland)
☒ General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:
  ☒ Agriculture Element
  ☒ Conservation & Open Space Element
  ☐ Economic Element
  ☒ Housing Element
  ☒ Noise Element
  ☐ Parks & Recreation Element/Project List
  ☒ Safety Element
☒ Land Use Ordinance (Inland/Coastal)
☐ Building and Construction Ordinance
☒ Public Facilities Fee Ordinance
☐ Real Property Division Ordinance
☒ Affordable Housing Fund
☐ Airport Land Use Plan
☐ Energy Wise Plan
☒ North County Planning Area/Adelaida Sub-area
☐ Design Plan
☐ Specific Plan
☒ Annual Resource Summary Report
☐ Circulation Study

Other documents

☒ Clean Air Plan/APCD Handbook
☒ Regional Transportation Plan
☒ Uniform Fire Code
☒ Water Quality Control Plan (Central Coast Basin – Region 3)
☒ Archaeological Resources Map
☒ Area of Critical Concerns Map
☒ Special Biological Importance Map
☒ CA Natural Species Diversity Database
☒ Fire Hazard Severity Map
☒ Flood Hazard Maps
☒ Natural Resources Conservation Service Soil Survey for SLO County
☒ GIS mapping layers (e.g., habitat, streams, contours, etc.)
☐ Other

In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

- *Geotechnical Engineering Report*, Beacon Geotechnical Inc. (July 6, 2015)
- *Biological Report*, Althouse and Meade Inc. (August 2015)
- *Civil Engineering Report*, EG Civil Engineering (December 22, 2015)
- *Geological Characterization Report*, Beacon Geotechnical Inc. (February 29, 2016)
- *Review of Geotechnical Engineering and Geological Characterization Reports*, LandSet Engineers Inc. (March 11, 2016)

Exhibit B - Mitigation Summary Table

Per Public Resources Code Section 21081.6, the following measures also constitute the mitigation monitoring and/or reporting program that will reduce potentially significant impacts to less than significant levels. These measures will become conditions of approval (COAs) should the project be approved. The Lead Agency (County) or other Responsible Agencies, as specified in the following measures, are responsible to verify compliance with these COAs.

Air Quality

AQ-1 For the life of the project, one of the following measures must be implemented:

a. Pave and maintain Borealis Way, driveways, and/or parking areas.
b. Maintain Borealis Road and unpaved driveways, and/or parking areas with dust suppressant (See Technical Appendix 4.3 of the APCD's CEQA Handbook for a list of the APCD-approved suppressants) such fugitive dust emissions do not exceed the APCD 20% opacity limit of greater than 3 minutes in any 60 minute period (APCD Rule 401) or prompt nuisance violations (APCD Rule 402).
c. Maintain design standards to ensure vehicles that use unpaved access to the site are physically limited (e.g. speed bumps) to posted speed limit of 15 mph or less.

AQ-2 For the life of the project, 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, contact the APDD at (805) 781-5912.

Biology

BIO-1. At the time of application for construction permits, the applicant shall submit a tree replacement plan to be reviewed and approved by the Department of Planning and Building The plan shall provide for the replacement, in kind at a 4:1 ratio, all oak trees removed as a result of the development of the project, and in addition, shall provide for the planting, in kind at a 2:1 ratio, of oak trees to mitigate for trees impacted but not removed.

BIO-2 Prior to final inspection, the applicant shall replace, in kind at a 4:1 ratio, all *oak* trees removed as a result of the development of the project, and in addition, shall plant at a 2:1 ratio for each tree impacted but not removed. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, top soil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).

BIO-3 Prior to construction, the applicant shall avoid potential impacts to nesting birds. Tree removal associated with project activities shall be limited outside the bird nesting season, which is March 15th to August15th. However, if tree removal is required during the bird nesting season, a survey for nesting birds shall be conducted within two weeks prior to ground disturbing activities by a qualified biologist in and adjacent to the project area. If nesting birds

are found to be located within or adjacent to the project area, an appropriate buffer area shall be established by a qualified biologist to ensure protection of the nesting birds. The biologist shall determine the appropriate buffer distance based on the bird species, topography, vegetation, and type of disturbance. At a minimum, the buffer area shall be delineated with brightly colored construction fencing. No construction, grading, or equipment staging activities shall occur within the buffer area, which shall remain in place until the biologist has determined that the young have fledged from the nest.

Hazards and Hazardous Materials

HAZ-1. Prior to final inspection, the applicant shall provide evidence to the Department of Planning and Building that the secondary access road has met all relative requirements for grade/width and all-weather surface or paving per CAL FIRE's standards and Fire Safety Letter dated December 4, 2015.

HAZ-2. As mitigation for the extended response time from the nearest CAL FIRE/County Fire station, an individual trained and certified as an Emergency Medical Technician (E.M.T.) within the county of San Luis Obispo shall be required at all events. This person shall not be a "guest" or an attendee of the event and must also function as a Fire Watch throughout the event(s).

Transportation and Circulation

TR-1 At the time of application for construction permits, the applicant shall be responsible for paying to the Department of Public Works a fair share contribution towards the intersection improvement at Adelaida Road and Nacimiento Lake Drive. This fee shall be paid with the issuance of each future building permit and shall be based on the peak hour (Friday afternoon) trip generated by the project. Currently, the fee shall be $2,051 per peak hour trip but may be adjusted annually by the Caltrans Construction Cost Index.

Date: June 8, 2016
Revised: August 5, 2016

DEVELOPER'S STATEMENT FOR
FOSHAY MINOR USE PERMIT
DRC2015-00039

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Project Description: Minor Use Permit to allow for the construction of a winery facility with a tasting room and an event program. The winery facility will total 9,416 square feet and will include a 3,423 square foot wine storage/barrel storage area, 3,123 square foot processing area, an 870 square foot tasting room and a 2,000 square foot outdoor covered crush pad. Total wine production is estimated to 10,000 cases annually. The event program includes six (6) special events per year with no more than 80 guests.

The project does not propose amplified music past 5 p.m. A approximately 37,390 square feet (0.86 acres) of the 320 acre parcel will be disturbed from the project's development. The proposed project is within the Agriculture land use category and is located approximately 0.97 miles from Klau Mine Road, and approximately 9.13 miles west of the community of Paso Robles. This site is in the Adelaida Sub Area within the North County Planning Area.

Note: The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

The following mitigation measures address impacts that may occur as a result of the development of the project.

Air Quality

AQ-1 For the life of the project, one of the following measures must be implemented:

a. Pave and maintain Borealis Way, driveways, and/or parking areas.
b. Maintain Borealis Road and unpaved driveways, and/or parking areas with dust suppressant (See Technical Appendix 4.3 of the APCD's CEQA Handbook for a list of the APCD-approved suppressants) such fugitive dust emissions do not exceed the APCD 20% opacity limit of greater than 3 minutes in any 60 minute period (APCD Rule 401) or prompt nuisance violations (APCD Rule 402).
c. Maintain design standards to ensure vehicles that use unpaved access to the site are physically limited (e.g. speed bumps) to posted speed limit of 15 mph or less.

Monitoring: AQ-1 required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Division of Public Works and the Department of Planning and Building in consultation with APCD.

AQ-2 For the life of the project, 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, contact the APDD at (805) 781-5912.

Monitoring: AQ-2 Compliance will be verified by the Department of Planning and Building in consultation with APCD.

Biology

BIO-1. At the time of application for construction permits, the applicant shall submit a tree replacement plan to be reviewed and approved by the Department of Planning and Building. The plan shall provide for the replacement, in kind at a 4:1 ratio, all oak trees removed as a result of the development of the project, and in addition, shall provide for the planting, in kind at a 2:1 ratio, of oak trees to mitigate for trees impacted but not removed.

Monitoring: BIO-1 required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Department of Planning and Building.

BIO-2 Prior to final inspection, the applicant shall replace, in kind at a 4:1 ratio, all *oak* trees removed as a result of the development of the project, and in addition, shall plant at a 2:1 ratio for each tree impacted but not removed. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, top soil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).

Monitoring: BIO-2 required prior to final of a grading and/or construction permit. Compliance will be verified by the County Department of Planning and Building.

BIO-3 Prior to construction, the applicant shall avoid potential impacts to nesting birds. Tree removal associated with project activities shall be limited outside the bird nesting season, which is March 15th to August15th. However, if tree removal is required during the bird nesting season, a survey for nesting birds shall be conducted within two weeks prior to ground disturbing activities by a qualified biologist in and adjacent to the project area. If nesting birds are found to be located within or adjacent to the project area, an appropriate buffer area shall be established by a qualified biologist to ensure protection of the nesting birds. The biologist shall determine the appropriate buffer distance based on the bird species, topography, vegetation, and type of disturbance. At a minimum, the

buffer area shall be delineated with brightly colored construction fencing. No construction, grading, or equipment staging activities shall occur within the buffer area, which shall remain in place until the biologist has determined that the young have fledged from the nest.

> **Monitoring: BIO-3** required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Department of Planning and Building.

Hazards and Hazardous Materials

HAZ-1. Prior to final inspection, the applicant shall provide evidence to the Department of Planning and Building that the secondary access road has met all relative requirements for grade/width and all-weather surface or paving per CAL FIRE's standards and Fire Safety Letter dated December 4, 2015.

HAZ-2. As mitigation for the extended response time from the nearest CAL FIRE/County Fire station, an individual trained and certified as an Emergency Medical Technician (E.M.T.) within the county of San Luis Obispo shall be required at all events. This person shall not be a "guest" or an attendee of the event and must also function as a Fire Watch throughout the event(s).

> **Monitoring: HAZ-1 thru HAZ-2** required prior to final of a grading and/or construction permit and life of project. Compliance will be verified by the County Department of Planning and Building.

Transportation and Circulation

TR-1 **At the time of application for construction permits**, the applicant shall be responsible for paying to the Department of Public Works a fair share contribution towards the intersection improvement at Adelaida Road and Nacimiento Lake Drive. This fee shall be paid with the issuance of each future building permit and shall be based on the peak hour (Friday afternoon) trip generated by the project, calculated as two (2) by EG Civil Engineering, in their letter report dated 6/27/16. Currently, the fee shall be $2,051 per peak hour trip ($4,102 total fee), but may be adjusted annually based on the Caltrans Construction Cost Index.

> **Monitoring: TR-1** required at time of issuance of grading and/or construction permit and life of project. Compliance will be verified by the County Department of Planning and Building.

The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

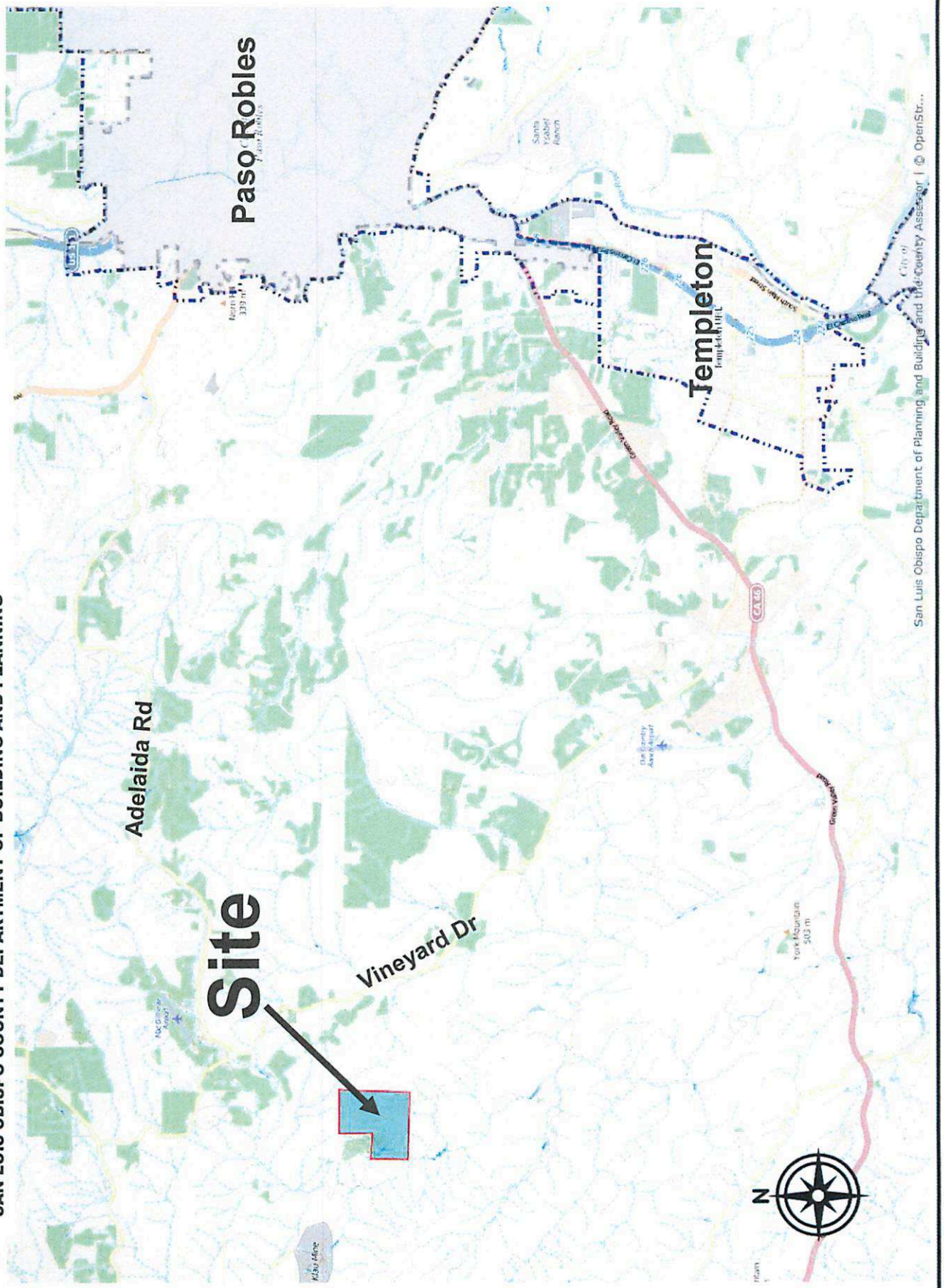
8-8-2016

Signature of Owner(s) Date

LAIRD FOSHAY

Name (Print)

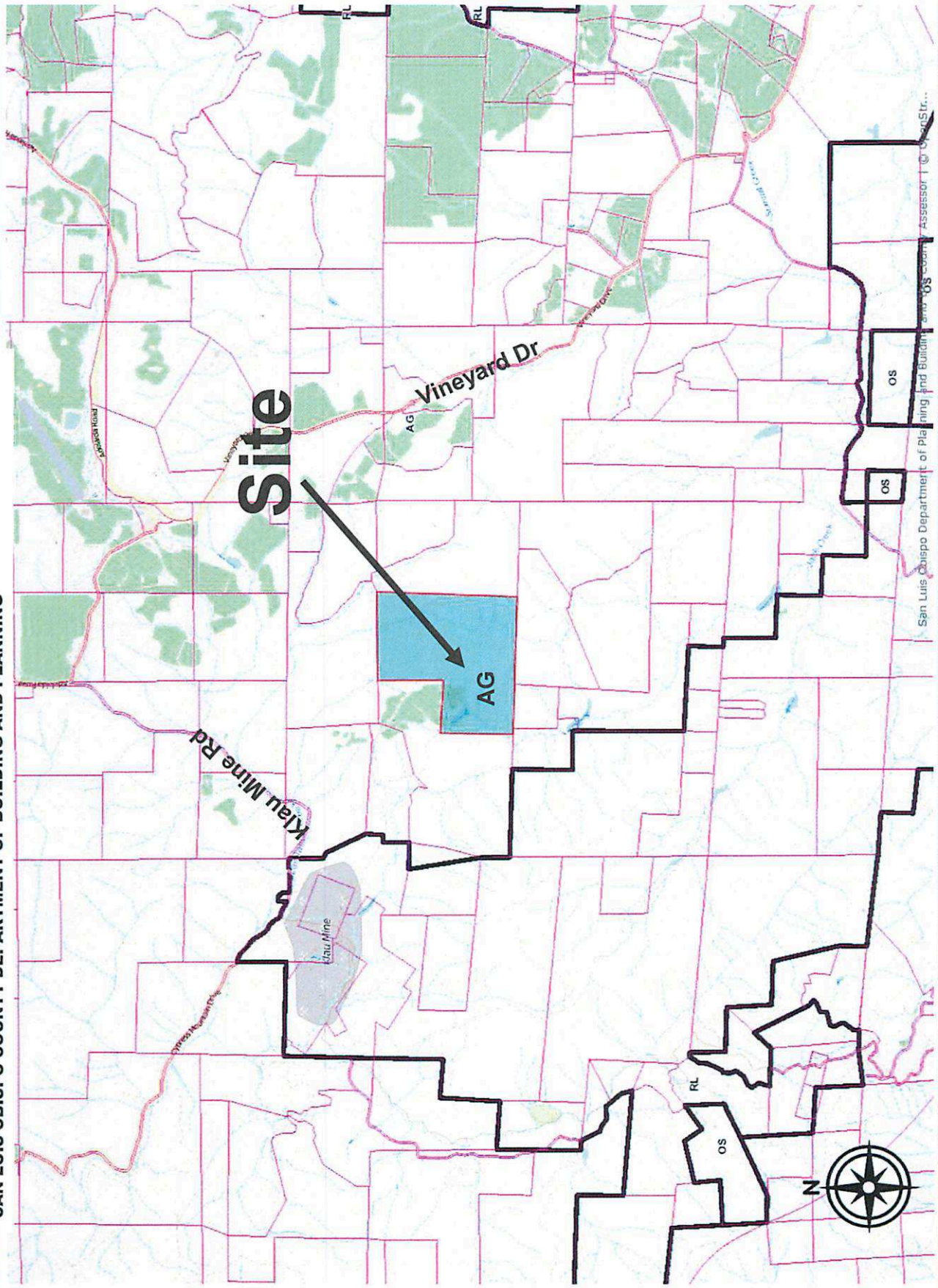
SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT
Minor Use Permit
Foshay Winery / DRC2015-00039

EXHIBIT
Vicinity Map

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT
Minor Use Permit
Foshay Winery / DRC2015-00039

EXHIBIT
Land Use Category Map

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

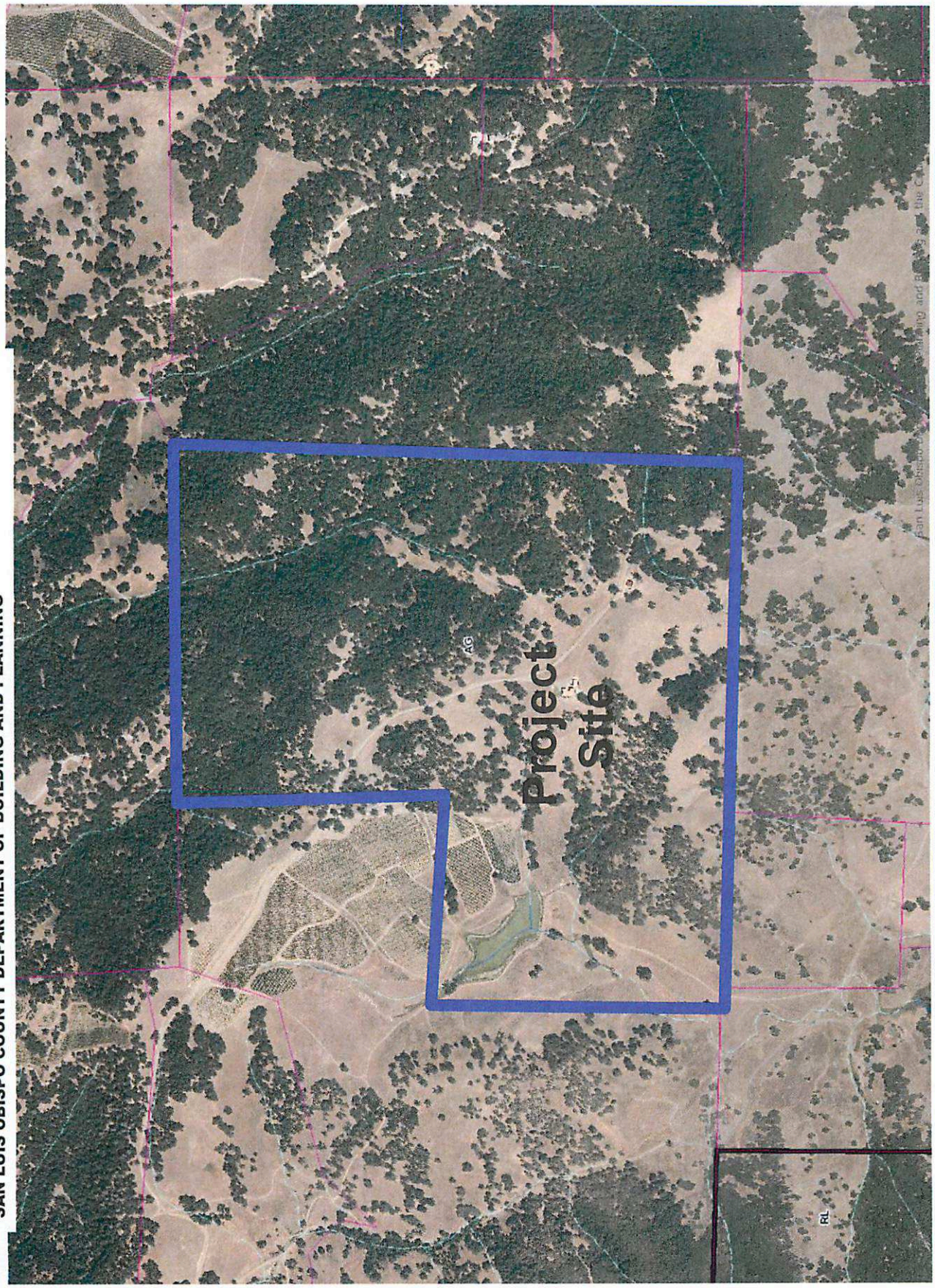


EXHIBIT
Aerial Photograph

PROJECT
Minor Use Permit
Foshay Winery / DRC2015-00039

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

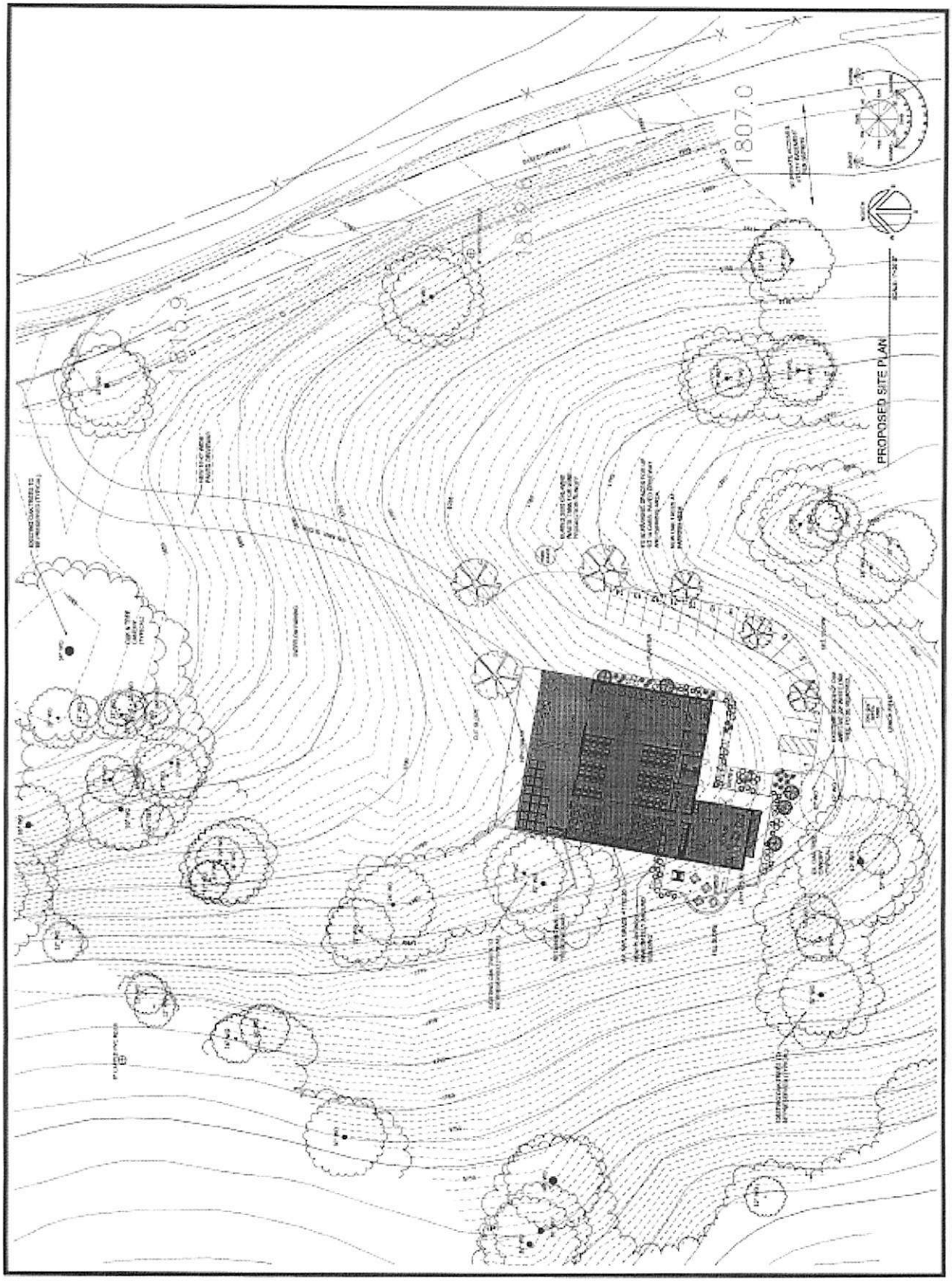
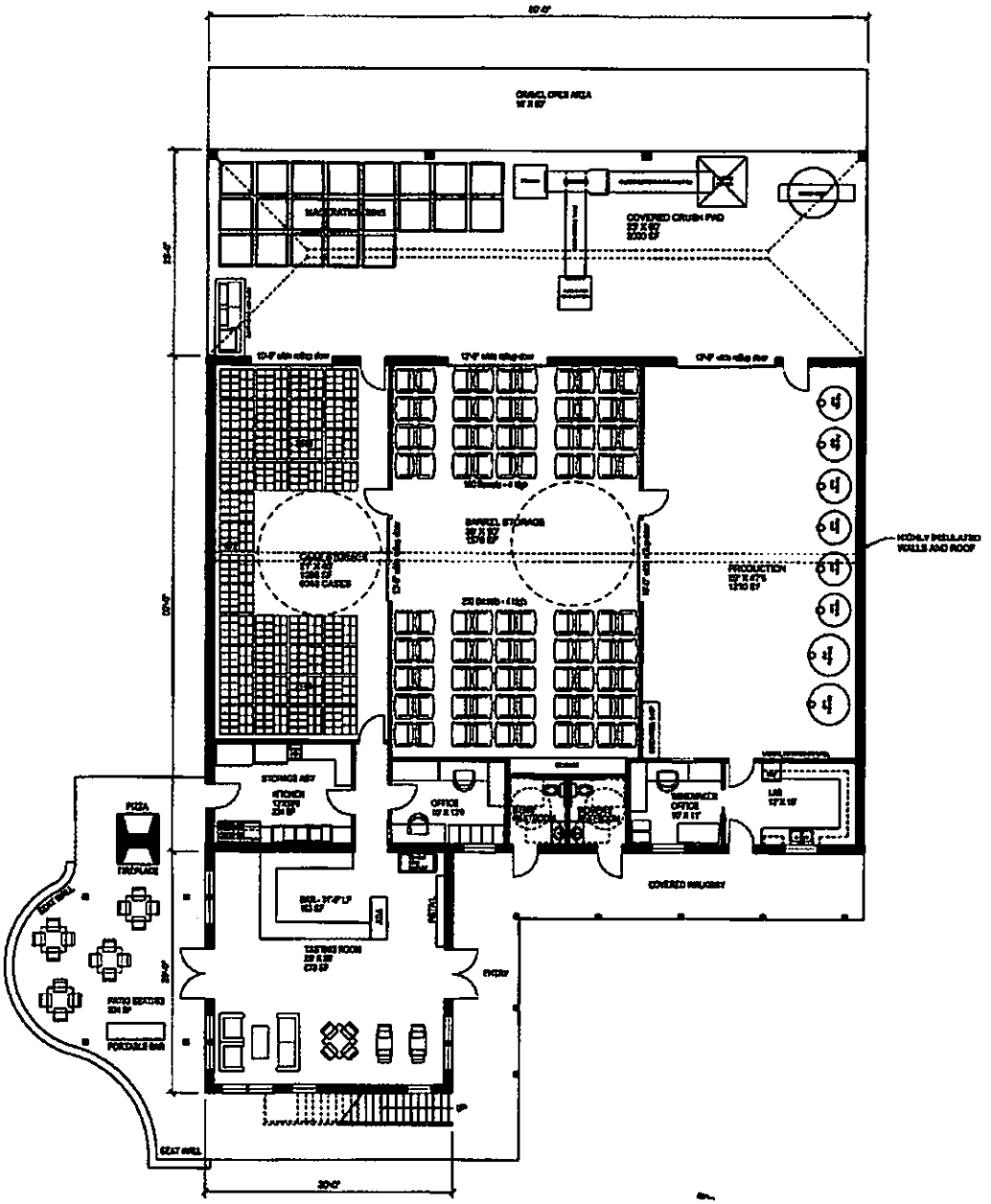


EXHIBIT
Site Plan

PROJECT
Minor Use Permit
Foshay Winery / DRC2015-00039

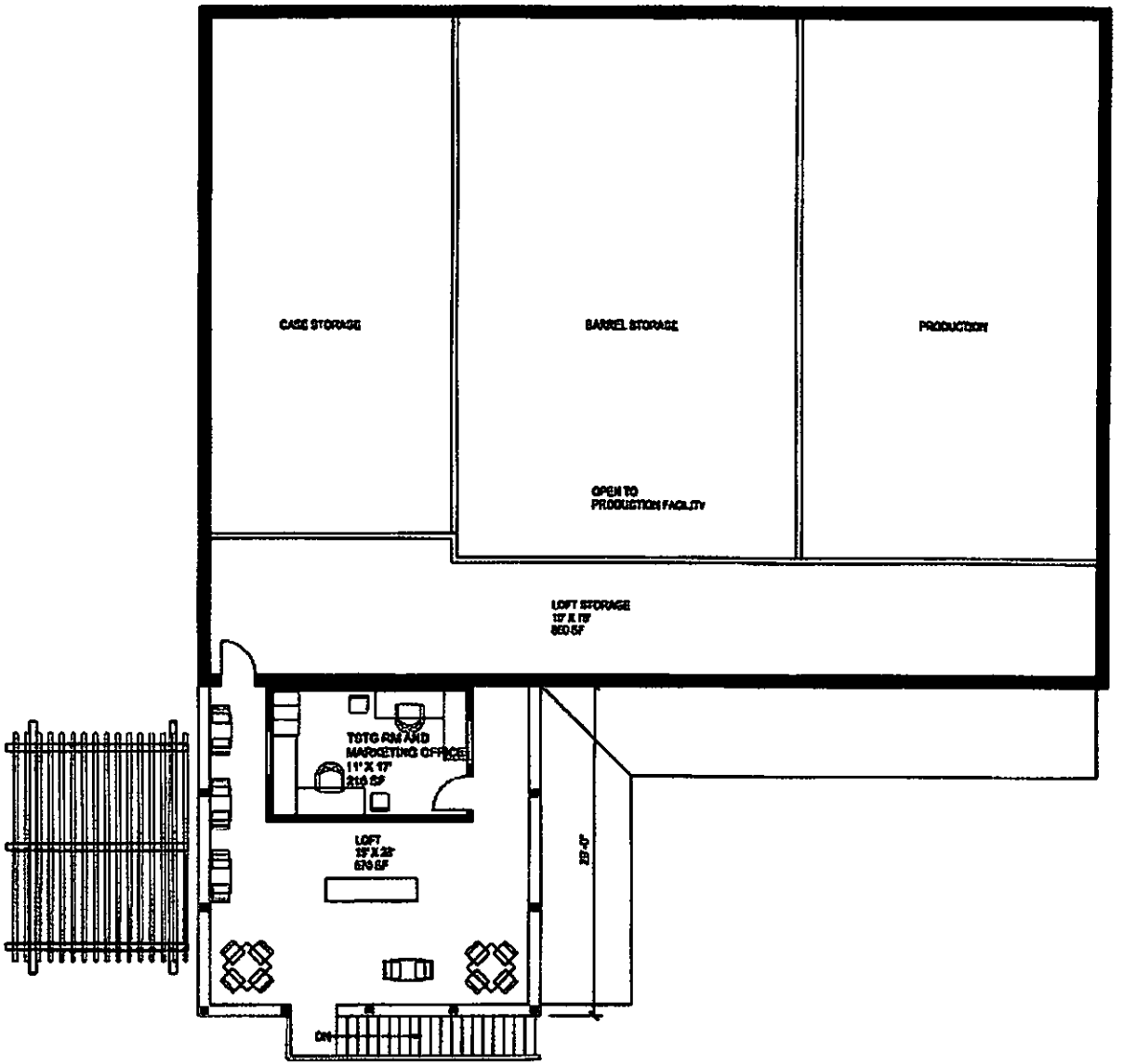


PROJECT

Minor Use Permit
Foshay Winery / DRC2015-00039

EXHIBIT

Floor Plan - Proposed First Floor



PROJECT

Minor Use Permit
Foshay Winery / DRC2015-00039

EXHIBIT

Floor Plan - Proposed Second Floor

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

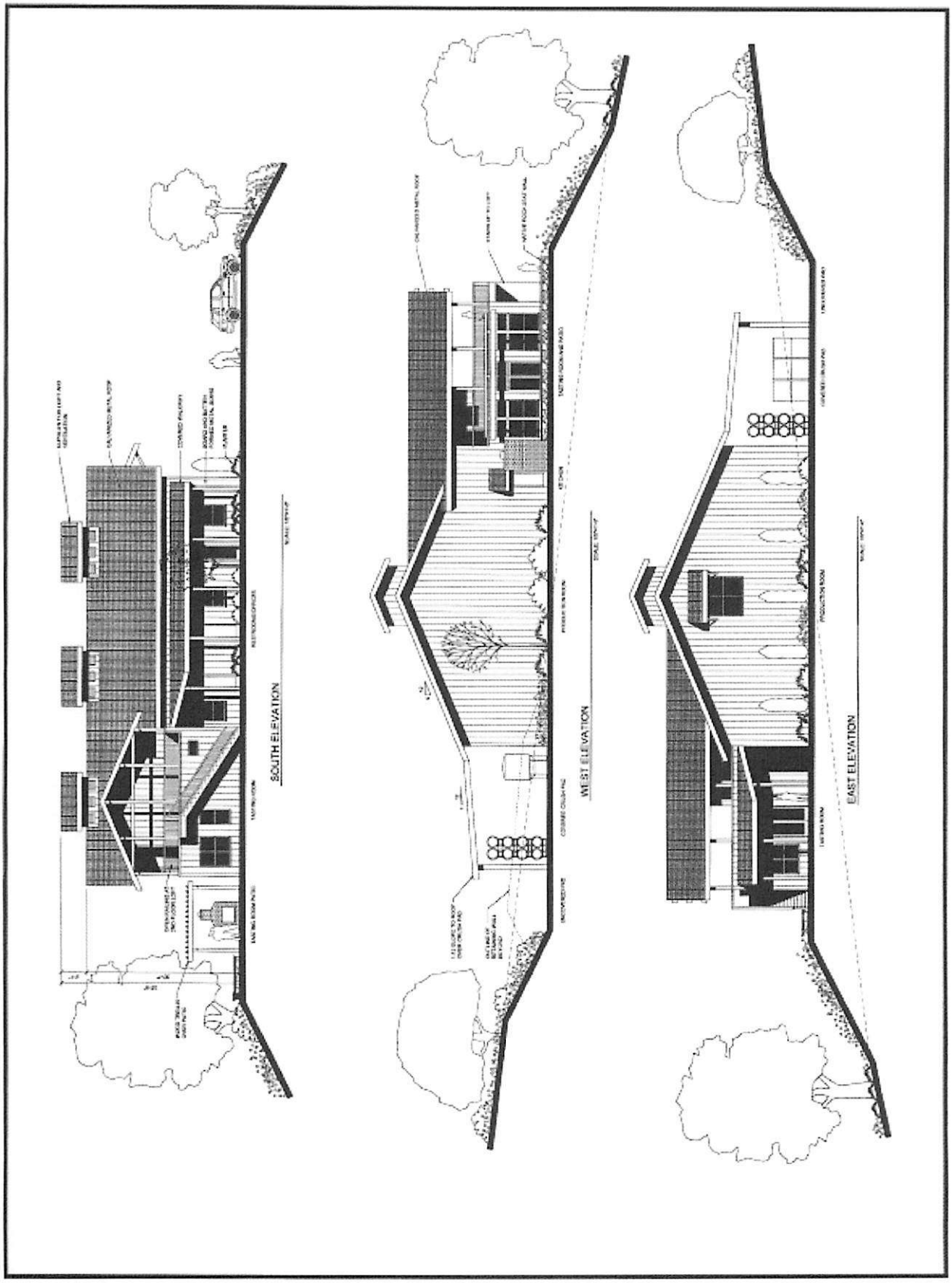


EXHIBIT
Site Plan - Elevations

PROJECT
Minor Use Permit
Foshay Winery / DRC2015-00039

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS
Wade Horton, Director
County Government Center, Room 206 • San Luis Obispo CA 93408 • (805) 781-5252
Fax (805) 781-1229 email address: pwd@co.slo.ca.us

Date: July 13, 2016

To: Holly Phipps, Project Planner

From: Glenn Marshall, Development Services

Subject: Public Works Comments on DRC2015-00039, Foshay MUP for wine production & tasting, Klau Mine Rd., Paso Robles, APN 014-101-059

Thank you for the opportunity to provide information on the proposed subject project. It has been reviewed by several divisions of Public Works, and this represents our consolidated response.

Public Works Comments:

A. Public Works has reviewed the Dec 31, 2015 package provided by Kornreich Architects and have the following comments:
   a. Public Works accepts the EG Civil Engineering sight distance analysis
   b. Public Works did not review the access easement documents to ensure the applicant has legal use of all proposed primary and emergency access roads, legal access remains the applicant's responsibility and liability.
   c. We have added a condition to reconstruct the primary and emergency access roads to Cal Fire standards.
   d. The proposed property has been identified by the applicant's architect to be located within 1-mile from a collector or arterial.

B. The proposed project is located off non-county maintained roads. In accordance with Resolution 2008-152 no proposed land development which attracts general public traffic shall be permitted on privately maintained roads without a submission of a road maintenance agreement acceptable to all residents served by those roads.

C. Roadway Safety Analysis (RSA) requirements per Resolution 2008-152:
   a. Klau Mine Rd has a collision history below county average – No RSA required.

D. Public Works has reviewed the project traffic generation estimation letter prepared by EG Civil Engineering, dated 6/27/16, and concurs with their methodology. We have updated below recommended Project Condition of Approval No. 8, below.

Recommended Project Conditions of Approval:

Access

1. **At the time of application for construction permits**, the applicant shall submit plans prepared by a Registered Civil Engineer to the Department of Public Works to secure an Encroachment Permit and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plan is to include, as applicable:

    a. Road plan and profile for widening the project side of Klau Mine Road to an A-1 rural road standard for ¼ mile from Dodd Ranch Road westerly towards Adelaida Road.

    b. Reconstruct the existing primary and secondary access driveway approaches in accordance with county B-1 standards for rural roadways.

    c. Drainage ditches, culverts, and other structures (if drainage calculations require).

2. **At the time of application for construction permits**, the applicant shall submit plans prepared by a Registered Civil Engineer to the Department of Planning and Building to secure a Grading Permit to construct primary and secondary site access (driveway) improvements in accordance with County Cal Fire standards. The plan is to include, as applicable:

    a. Road plan and profile for widening Dodd Ranch Road.

    b. Road plan and profile for widening the secondary (emergency) access road/s.

    c. Tree removal plan

    d. Drainage plan.

    e. Environmental permits as required.

3. **At the time of application for construction permits,** the applicant shall submit evidence to the Department of Planning and Building of a road maintenance agreement. The agreement shall establish an organized and perpetual mechanism to ensure adequate maintenance of the primary and emergency access roads in a form acceptable to the County. The road maintenance agreement shall be signed by the owners of all properties which have shared access rights, be binding upon their heirs and assigns, and be recorded with the County Clerk on each of the effected properties.

4. **Prior to occupancy or final inspection,** the applicant shall provide evidence to the Department of Planning and Building that primary and emergency access driveways have been designed and constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.

5. **Prior to occupancy or final inspection,** all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.

6. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.

7. **On-going condition of approval (valid for the life of the project):**
   a. Any gate constructed on a driveway where off-site grapes are delivered and/or product is exported from the site shall be a minimum of 75-feet from the traveled way of any road open to public traffic.

   b. Any gate constructed on a driveway to the site shall be a minimum of 75-feet from the traveled way of any Collector or Arterial Road.

Fees

8. **At the time of application for construction permits**, the applicant shall be responsible for paying to the Department of Public Works a fair share contribution towards the intersection improvement at Adelaida Road and Nacimiento Lake Drive. This fee shall be paid with the issuance of each future building permit and shall be based on the peak hour (Friday afternoon) trip generated by the project, calculated as two (2) by EG Civil Engineering, in their letter report dated 6/27/16. Currently, the fee shall be $2,051 per peak hour trip ($4,102 total fee), but may be adjusted annually based on the Caltrans Construction Cost Index.

Drainage

9. **At the time of application for construction permits,** the applicant shall submit complete drainage plans for review and approval in accordance with Section 22.52.110 (Drainage of the Land Use Ordinance.

10. **At the time of application for construction permits,** the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.

11. **On-going condition of approval (valid for the life of the project),** the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

CAL FIRE
San Luis Obispo
County Fire Department

635 N. Santa Rosa • San Luis Obispo, CA 93405
Phone: 805-543-4244 • Fax: 805-543-4248
www.calfireslo.org

Robert Lewin, Fire Chief

December 4, 2015

County of San Luis Obispo
Department of Planning & Building
County Government Center
San Luis Obispo, CA. 93408

Subject: Foshay Minor Use Permit / DRC2015-00039

Ms. Phipps,

I have reviewed the New Project Referral, fire safety plan application, proposed building plans and Preliminary F.P.E. Evaluation provided for the proposal to build an approximate 9,416 square foot winery production, storage and tasting facility with events program located at 1015 Borealis Way near Paso Robles, CA. The project site is located within a ***"VERY HIGH"*** Fire Hazard Severity Zone with an approximate *25-30* minute response time from the nearest CAL FIRE/County Fire station.
The project and applicant shall comply with all standards and requirements referenced within the 2013 CA. Building Code (C.B.C), the 2013 CA. Fire Code (C.F.C.), the Public Resources Code (P.R.C.) and any other applicable fire/building codes.

Special Concerns:
This project site has an extended fire engine response time of approximately 25-30 minutes where emergency services are not readily available. The cumulative effects of large scale commercial development and special event type programs within areas such as this continue to place challenges upon CAL FIRE/County Fire's ability to provide emergency services within rural areas.

The nearest fully staffed CAL FIRE/County Fire station (#33) is located at 4820 Heritage Road within the gated community of Heritage Ranch. This station has an approximate 16 mile vehicular travel distance and 25-30 minute response time.

The California Department of Forestry and Fire Protection (CAL FIRE) has a "seasonal" fire station located at 275 Cypress Mountain Drive. This station has an approximate 15 minute response time.

The following are requirements that must be satisfied prior to final inspection and occupancy.

- *A commercial fire sprinkler system meeting the design criteria and requirements of N.F.P.A 13 (National Fire Protection Association) is required to be installed within all portions of the proposed commercial winery building and overhangs/covered porches.*

- A Registered Fire Protection Engineer (F.P.E.) is required to design the commercial fire sprinkler system, water storage system, underground piping, fire hydrants and fire pump (if required) for the proposed project. Three sets of plans and calculations shall be provided to the County Fire department for review and approval.
- WATER STORAGE - "Poly" and or plastic style water storage tanks shall not be allowed. If reviewed and approved by a Registered Fire Protection Engineer, no more than 2 properly connected water storage tanks may be an option for providing water storage necessary for fire suppression purposes.
- *ALARMS/DETECTION* – The required fire sprinkler system shall be monitored in accordance with all relative standards set forth within N.F.P.A. 72 and 13. A properly designed and installed heat/smoke detection shall be required. All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels, and temperatures, critical air pressures and water-flow switches on all sprinkler systems shall be electrically monitored for integrity and to ensure valves are locked in the open position. Monitoring shall be provided by a central station listed by Underwriters Laboratories for receiving fire alarms.
- *ACCESS* - The existing primary and proposed secondary vehicular access roads have been reviewed by CAL FIRE/County Fire. Approval of the existing primary access road is granted with mitigation measures.
- *DEFENSIBLE SPACE* (vegetation clearance) – Current conditions must meet all relative minimum standards for providing defensible space from the adverse effects of wildland fires.
- *ADDRESSING* – All address numbering must meet commercial standards.
- *GATE(S)* – The existing and/or proposed gates must meet all relative minimum standards for width, emergency access and setback from the San Luis Obispo County maintained access road.

Commercial Access Road(s)

Grade and Design
The grade for all roads, streets, private lands and driveways shall not exceed 16% unless previously approved by Fire Code Official. Design criteria shall be in accordance with San Luis Obispo County Public Works - Public Improvement Standards. Roads 12%-16% shall be a nonskid asphalt or concrete surface as specified within the San Luis Obispo County Public Improvement Standards, Specifications and Drawings.

With minor improvements (turnouts) and given the fact that recent permits have been approved/issued and provided with final inspection at this site, CAL FIRE/County Fire supports the approval of the existing primary access road for purposes of providing access to the currently proposed project/events.

Road Width and Signage
- A commercial access road must be 24 feet wide (where feasible).
- Parking is only allowed where an additional 8 feet of width is added for each side of the roadway that has parking.
- "No Parking - Fire Lane" signs will be required.
- Fire lanes shall be provided as set forth in the California Fire Code Section 503.
- Fire access shall be provided within 150 feet of the outside building(s) perimeter.
- Must be an all-weather non-skid paved surface.
- All roads must be able to support fire apparatus.
- Vertical clearance of 13'6" is required.
- Fuel modification of 10 feet on either side of roadway must be maintained.
- An approved traffic plan shall be provided to the fire code official.
- Interior commercial roads shall be named and provided with approved street signs.
- One way interior roads shall be labeled indicating direction of travel.

Structural Access Requirements
All commercial buildings shall install a Knox key box for fire department emergency access – CFC Section 506.1. The box shall be installed prior to final inspection of the building. An order form is available from the Prevention Bureau, call for more information at (805) 543-4244, extension 3490.

Gate Access Requirements
- Must be setback a minimum of 30 feet from the SLO County maintained roadway.
- Must automatically open with no special knowledge to exit.
- Must have a KNOX key box or switch for fire department access.
- The existing gate may require improvements to width and setback from roadway.

Fire Safety and Evacuation Plans
Applicant shall provide a written Fire Safety plan whose contents shall be in accordance with sections California Fire Code Chapter 4 Emergency Planning and Preparedness. Employee training, record keeping, hazard communication and drills will also comply with this chapter. The written plan will include at a minimum the detail outlined in sections 404.3.1 (Evacuations Plans) and 404.3.2 (Fire Safety Plans).

Fire evacuation plans. Fire evacuation plans shall include the following:

1. Emergency egress or escape routes and whether evacuation of the building is to be complete or, where *approved*, by selected floors or areas only.
2. Procedures for employees who must remain to operate critical equipment before evacuating.
3. Procedures for assisted rescue for *persons* unable to use the general *means of egress* unassisted.
4. Procedures for accounting for employees and occupants after evacuation has been completed.
5. Identification and assignment of personnel responsible for rescue or emergency medical aid.
6. The preferred and any alternative means of notifying occupants of a fire or emergency.
7. The preferred and any alternative means of reporting fires and other emergencies to the fire department or designated emergency response organization.
8. Identification and assignment of personnel who can be contacted for further information or explanation of duties under the plan.
9. A description of the emergency voice/alarm communication system alert tone and preprogrammed voice messages, where provided.

Fire safety plans. Fire safety plans shall include the following:

1. The procedure for reporting a fire or other emergency.
2. The life safety strategy and procedures for notifying, relocating or evacuating occupants/event atendees, including occupants who need assistance.
3. Site plans indicating the following:
3.1. The occupancy assembly point.
3.2. The locations of fire hydrants.
3.3. The normal routes of fire department vehicle access.
4. Floor plans identifying the locations of the following:
4.1. Exits.
4.2. Primary evacuation routes.
4.3. Secondary evacuation routes.
4.4. Accessible egress routes.
4.5. Areas of refuge.
4.6. Exterior areas for assisted rescue.
4.7. Manual fire alarm boxes.
4.8. Portable fire extinguishers.
4.9. Occupant-use hose stations.
4.10. Fire alarm annunciators and controls.
5. A list of major fire hazards associated with the normal use and occupancy of the premises, including maintenance and housekeeping procedures.

6. Identification and assignment of personnel responsible for maintenance of systems and equipment installed to prevent or control fires.
7. Identification and assignment of personnel responsible for maintenance, housekeeping and controlling fuel hazard sources.

Portable Fire Extinguishers
Portable fire extinguishers shall be installed in all the occupancies in compliance with the California Fire Code section 906 and Title 19. The contractor shall be licensed by the State Fire Marshal.

Combustible Waste Material
Every building or portion of a building shall be maintained in a neat orderly manner, free from any condition that would create a fire or life hazard or a condition which would add to or contribute to the rapid spread of fire. CCR Title 19 Division 1.

Refuse containers must not be stored within 5 feet of combustible walls, openings, or combustible roof eaves, unless the refuse container is protected by an automatic sprinkler system installed in accordance with California Fire Code section 903.

REQUIRED MITIGATION:

- *As mitigation for the extended emergency response time from the nearest fully staffed CAL FIRE/County Fire station, an individual trained and certified as an Emergency Medical Technician (E.M.T.) within San Luis Obispo County shall be required at all events regardless of the total amount of attendees. This person shall not be a "guest" or an attendee of the event and must also function as a Fire Watch throughout the event(s).*
- *In order to mitigate minor concerns regarding the existing primary access road and as a requirement of the requested event program, secondary access shall be required. The applicant and CAL FIRE/County Fire have had several discussions regarding the proposed secondary access route connecting the project site to Cypress Mountain Road. This secondary access road shall be required to meet all relative requirements for grade/width and all-weather surface or paving.*

The proposed project(s) will require final inspection prior to occupancy. Please contact this office at (805)593-3490 to schedule the final inspection once all requirements have been satisfied.

If I may be of additional assistance regarding this matter, please do not hesitate to contact me at (805)543-4244, extension 3425.

Sincerely,

Clinton I. Bullard
Fire Inspector

C: Foshay, Applicant
Sonne Consulting, Agent
Kornreich, Architect

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SLO COUNTY apcd | Air Pollution Control District
San Luis Obispo County

July 21, 2016

Laird and Lisa Foshay
Rangeland Winery
10425 Klau Mine Road
Paso Robles, CA 93446

SUBJECT: Naturally Occurring Asbestos ATCM – Exemption Request Granted for the Rangeland Winery Project located at 10425 Klau Mine Road in Paso Robles

Dear Mr. and Ms. Foshay:

Thank you for your submittals for exemption from California Code of Regulations Section 93105 (Naturally Occurring Asbestos ATCM) dated July 22, 2016. After review of the documentation, the San Luis Obispo County Air Pollution Control District (District) agrees with the geological evaluation and grants your request for a conditional exemption for the scope of evaluations for the project.

Based upon the Geologic Evaluation performed by Beacon Geotechnical, dated June 24, 2016, it appears that the likelihood of encountering serpentine deposits is low.

Expiration of the Geologic Exemption: If you or your contractors subsequently discover any naturally occurring asbestos, serpentine, or ultramafic rock in the area to be disturbed, then:

1. Owner or operator must comply with the requirements of CCR 93105;
2. Owner or operator must report the discovery of the naturally-occurring asbestos, serpentine, or ultramafic rock to the APCO no later than the next business day; and
3. The exemption under CCR 93105 subsection (c) (1) shall expire and cease to be effective.

Based on the information provided, we are unsure of the types of equipment that may be present at the site during construction. Certain operational sources may require APCD permits, such as back-up diesel generators >50 HP. Portable equipment used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or a District permit. Please contact the District's Engineering Division at (805) 781-5912 for specific information regarding registration or permitting requirements.

Enclosed is Invoice Number 17761 for the Naturally Occurring Asbestos ATCM evaluation fee.

If you have any questions, please contact me at (805) 781-5912.

Sincerely,

Tim Fuhs
Air Quality Specialist

TJF/lmg

cc: Sue Callado, SLOCOP&B
Andy Mutziger. SLOCOAPCD
Lynette Sonne, Lynette Sonne Consulting (lynette@lynetteSonne.com)

h:\plan\ceqa\project_review\3000\3800\3856-1\3850-1noa.doc

T 805.781.5912 F 805.781.1002 W slocleanair.org 3433 Roberto Court, San Luis Obispo, CA 93401

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ATTACHMENT 4

SLO COUNTY apcd | Air Pollution Control District
San Luis Obispo County

RECEIVED
SEP 28

September 28, 2015

Megan Martin
SLO County Planning & Building
County Government Center
San Luis Obispo, CA 93408

SUBJECT: APCD Comments Regarding the MUP for the Proposed Rangeland Wines Production and Tasting Room Project (DRC2015-00039)

Dear Ms. Martin,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed minor use permit that would allow the construction of a winery production and tasting facility with 9,416 total square feet (sf) at 10425 Klau Mine Road 10 miles west of Paso Robles. These Rangeland Wines facilities would be accessed from Klau Mine Road, left on Dodd Ranch Road and then left on Borealis Way which is approximately 0.9 mile long to the project site and unpaved. Borealis Way is in a known APCD identified area for naturally occurring asbestos (NOA).

The project would include a wine processing facility with wine storage (5,016 sf), a covered crush pad (2,000 sf), a tasting room (870 sf), a loft (670 sf) and loft storage (860 sf). The winery would initially produce 5,000 cases per year of wine, with ultimate production reaching up to 10,000 cases.

The proposal includes Rangeland Wines' participation in six winery special events per year with no more than 80 guests at each event. The winery would also participate in periodic industry-wide events by holding open houses and or winemaker dinners during those established event weekends. The tasting room may also be used for wine tasting by visits from the general public and would be used as a sales outlet for estate-raised lamb and beef. *The following are APCD comments that are pertinent to this project.*

GENERAL COMMENTS

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text**.

CONSTRUCTION PHASE IMPACTS - Below Threshold

The APCD evaluated the construction impacts for this small project and determined that the construction phase impacts will likely be less than the APCD's significance threshold values identified in Table 2-1 of the CEQA Air Quality Handbook(available at slocleanair.org/business/landuseceqa.php). **Therefore, with the exception of the**

requirements below, the APCD is not requiring other construction phase mitigation measures for this project.

Naturally Occurring Asbestos
Naturally occurring asbestos (NOA) has been identified by the state Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common throughout California and may contain naturally occurring asbestos. The SLO County APCD has identified areas throughout the County where NOA may be present (see the APCD's 2012 CEQA Handbook, Technical Appendix 4.4). ***The APCD has determined that NOA could be encountered during any potential grading of parent material on Borealis Way or any other grading for this project.*** **Since the project site is located in a candidate area for NOA, the following requirements apply**. Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations (93105), **prior to any construction activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if the area disturbed is exempt from the regulation. An exemption request must be filed with the APCD.** If the site is not exempt from the requirements of the regulation, the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. More information on NOA can be found at www.slocleanair.org/business/asbestos.php.

OPERATIONAL PHASE IMPACTS - Exceeds Threshold
Based on the APCD operational phase emission estimates using the screening table[1] for daily vehicle trips that include unpaved road travel, seven (7) round vehicle trips to the project site would exceed the APCD's daily operational phase emission threshold for fugitive dust emissions identified in Table 3-2 of the CEQA Air Quality Handbook (also accessed from the above link). **Based on the project's proposed normal and special event activity, the APCD has determined that the project would regularly exceed the APCD's daily fugitive dust emission threshold and therefore, the project must mitigate fugitive dust emissions from the unpaved access to the site by implement the following dust control measures:**

Implement one of the following:

a. For the life of the project, pave and maintain Borealis Way, driveways, and/or parking areas; or,
b. For the life of the project, maintain the Borealis Road and unpaved driveways, and/or parking areas with a dust suppressant (See Technical Appendix 4.3 of the APCD's CEQA Handbook for a list of APCD-approved suppressants) such that fugitive dust emissions do not exceed the APCD 20% opacity limit for greater than 3 minutes in any 60 minute period (APCD Rule 401) or prompt nuisance violations (APCD Rule 402).
c. Also, to improve the dust suppressant's long-term efficacy, the applicant shall also implement and maintain design standards to ensure vehicles that use unpaved access to the site are physically limited (e.g., speed bumps) to a posted speed limit of 15 mph or less.

If the project's access involves a city or county owned and maintained road, the applicant shall work with the applicable Public Works Department to ensure that the mitigation follows the agency's road standards for that section of road. The applicant may propose other measures of equal effectiveness as replacements by contacting the APCD's Planning Division at 781-5912.

Operational Permit Requirements
Based on the information provided, we are unsure of the types of equipment that may be present at the site. Operational sources may require APCD permits. The following list is provided as a guide to equipment and

[1] The unpaved road fugitive dust screening table is available at: http://slocleanair.org/business/landuseceqa.php.

operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendix, page 4-4, in the APCD's 2012 CEQA Handbook.

- New wineries or expanding wineries with the capacity of 26,000 gallons (10,000 cases at twelve 750 milliliter bottles per case) year or more require a Permit to Operate for fermentation and storage of wine;
- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generator;
- Boilers;
- Internal combustion engines; and
- Cogeneration facilities.

Most facilities applying for an Authority to Construct or Permit to Operate with stationary diesel engines greater than 50 hp, should be prioritized or screened for facility wide health risk impacts. A diesel engine-only facility limited to 20 non-emergency operating hours per year or that has demonstrated to have overall diesel particulate emissions less than or equal to 2 lb/yr does not need to do additional health risk assessment. **To minimize potential delays, prior to the start of the project, please contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.**

Nuisance Odors from Wineries

Wine production facilities can generate nuisance odors during various steps of the process. **Proven methods for handling wastewater discharge and grape skin waste need to be incorporated into the winery practices to reduce off-site odor**. Odor complaints could result in a violation of the SLO County APCD Rule 402 *Nuisance*.

Agricultural Burning

Agricultural operations must obtain an APCD Agricultural Burn Permit to burn agricultural vegetation on Permissive Burn Days. The ARB provides educational handbooks on agricultural burning (English and Spanish) to growers which are available at the following websites:
www.arb.ca.gov/smp/progdev/pubeduc/agburnhandbook.pdf

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at 781-5912.

Sincerely,

Andy Mutziger
Air Quality Specialist

AJM/arr

cc: Mr. Laird & Lisa Forshay, Owner
Tim Fuhs, Enforcement Division, APCD
Gary Willey, Engineering Division, APCD

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COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Weights and Measures

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556

(805) 781-5910 • FAX (805) 781-1035

Martin Settevendemie
Agricultural Commissioner/Sealer

www.slocounty.ca.gov/agcomm
AgCommSLO@co.slo.ca.us

SEP 21
SLO CO PLAN & BLDG DEPT

DATE: **September 18, 2015**

TO: **Megan Martin, Project Manager**

FROM: **Lynda L. Auchinachie, Agriculture Department**

SUBJECT: **Foshay Minor Use Permit DRC2015-00039 (1840)**

The Agriculture Department's review finds that the proposed Foshay Minor Use Permit for the development of wine production and tasting room facilities will have less than significant impacts to agricultural resources or operations. The Department recommends the following conditions to maximize the availability of water for agricultural production:

- Incorporate best management practices for water conservation purposes throughout the winery and tasting room facility.
- Maximize the use of pervious and semi-pervious areas in order to promote groundwater recharge and/or stormwater management, minimize erosion and sedimentation and protect farmland for agricultural use.

Comments and recommendations are based on policies in the San Luis Obispo County Agriculture Element, Conservation and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating to the extent feasible the negative impacts of development to agriculture.

If you have questions, please call 781-5914.

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

Promoting the wise use of land - Helping to build great communities

RECEIVED
SEP 14 2015
Environmental Health

THIS IS A NEW PROJECT REFERRAL

DATE: 9/11/2015

TO: Env. Health

FROM: Megan Martin (805-781-4163) mamartin@co.slo.ca.us
North County Team / Development Review

PROJECT DESCRIPTION: DRC2015-00039 FOSHAY – Proposed minor use permit to construct a winery production and tasting facility of 9,416 sf. Site location is 10425 Klau Mine Rd, Paso Robles. APN: 014-101-059

Return this letter with your comments attached no later than 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☐ YES (Please go on to PART II.)
- ☐ NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)
- ☐ NO (Please go on to PART III.)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Please see attached.
Thank you.

9/16/15 — Date
Name
x 5551 — Phone

976 OSOS STREET, ROOM 300 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600 • TTY/TDD RELAY - 711
planning@co.slo.ca.us • FAX: (805) 781-5624 • http://www.slocounty.ca.gov/planning.htm

COUNTY OF SAN LUIS OBISPO HEALTH AGENCY

Public Health Department

Jeff Hamm
Health Agency Director

Penny Borenstein, M.D., M.P.H.
Health Officer

Public Health
Prevent. Promote. Protect.

September 16, 2015

To: Megan Martin, North County Team / Development Review
Department of Planning and Building

From: Environmental Health
Leslie Terry

Project Description: DRC2015-00039 Foshay MUP
APN: 014-101-059

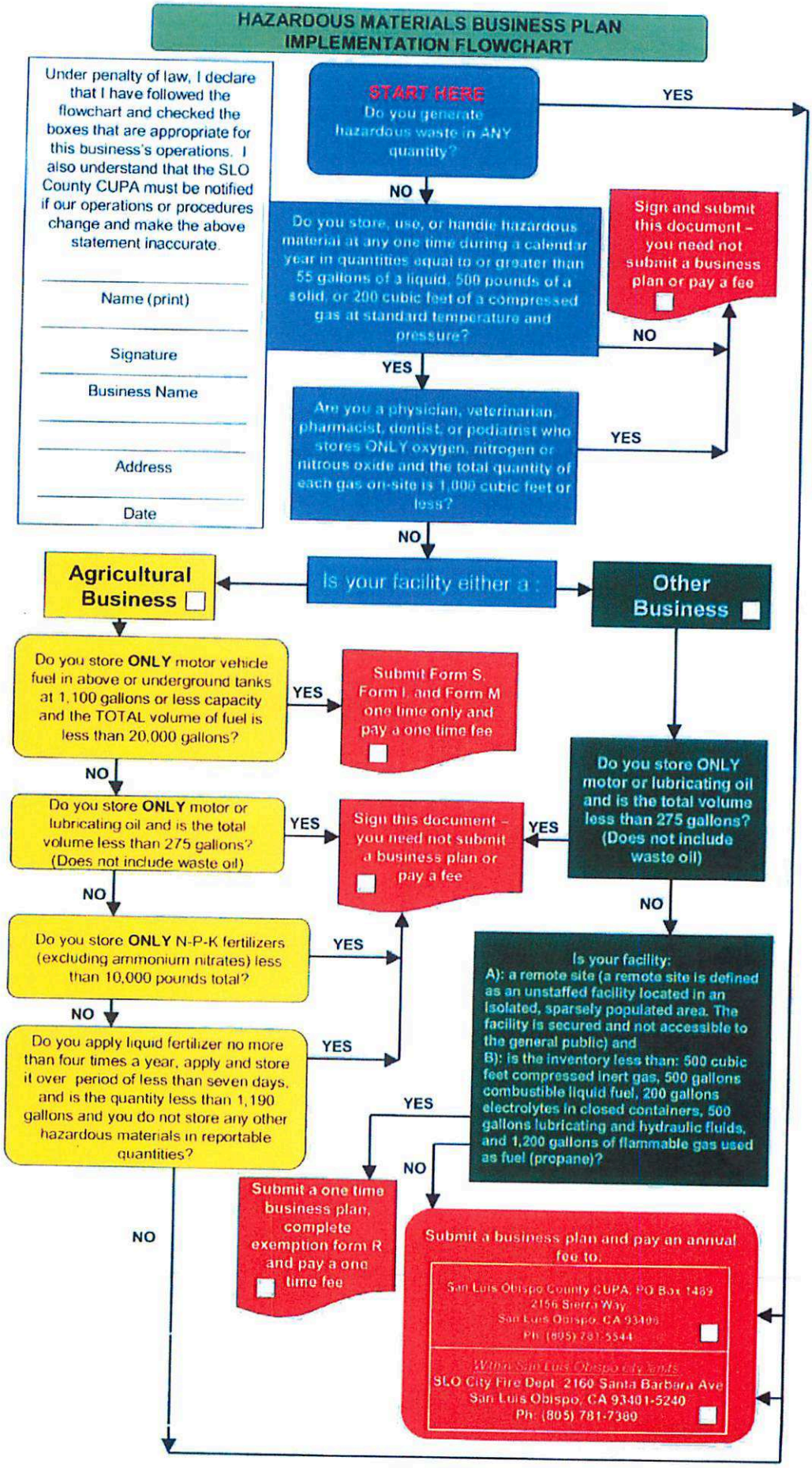
Applicant to review attachment to determine type of water system will be needed likely a Transient Non Community Water System. Contact Leslie Terry at (805) 781-5551 for information on the creation of a public water supply.

Applicant to return attached Hazardous Materials Declaration Flowchart to this office. Be advised that threshold levels are 55 gallons, 500 pounds or 200 cubic feet and common materials include (but are not limited to): fuel, paint, lubricants, pesticides, pool chemicals and compressed gases. Contact Linnea Faulkner in this office with any questions regarding this form.

If plan review for cross connection determines a device is necessary, then an annual device test requirement shall be added as a condition of this MUP.

Applicant to submit plans to this office for the food facility. Contact Jeremiah Damery at (805) 781-5548 with any questions regarding the health permit process.

2191 Johnson Avenue, San Luis Obispo, California 93401
(805) 781-5500 FAX (805) 781-5543 www.SLOpublichealth.org


HAZARDOUS MATERIALS BUSINESS PLAN IMPLEMENTATION FLOWCHART
Under penalty of law, I declare that I have followed the flowchart and checked the boxes that are appropriate for this business's operations. I also understand that the SLO County CUPA must be notified if our operations or procedures change and make the above statement inaccurate.
Name (print)
Signature
Business Name
Address
Date
START HERE
Do you generate hazardous waste in ANY quantity?
YES
NO
Sign and submit this document – you need not submit a business plan or pay a fee
Do you store, use, or handle hazardous material at any one time during a calendar year in quantities equal to or greater than 55 gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of a compressed gas at standard temperature and pressure?
NO
YES
Are you a physician, veterinarian, pharmacist, dentist, or podiatrist who stores ONLY oxygen, nitrogen or nitrous oxide and the total quantity of each gas on-site is 1,000 cubic feet or less?
YES
NO
Is your facility either a :
Agricultural Business
Other Business
Do you store ONLY motor vehicle fuel in above or underground tanks at 1,100 gallons or less capacity and the TOTAL volume of fuel is less than 20,000 gallons?
YES
Submit Form S, Form I, and Form M one time only and pay a one time fee
NO
Do you store ONLY motor or lubricating oil and is the total volume less than 275 gallons? (Does not include waste oil)
YES
Sign this document – you need not submit a business plan or pay a fee
NO
Do you store ONLY N-P-K fertilizers (excluding ammonium nitrates) less than 10,000 pounds total?
YES
NO
Do you apply liquid fertilizer no more than four times a year, apply and store it over period of less than seven days, and is the quantity less than 1,190 gallons and you do not store any other hazardous materials in reportable quantities?
YES
NO
Do you store ONLY motor or lubricating oil and is the total volume less than 275 gallons? (Does not include waste oil)
YES
NO
Is your facility:
A): a remote site (a remote site is defined as an unstaffed facility located in an isolated, sparsely populated area. The facility is secured and not accessible to the general public) and
B): is the inventory less than: 500 cubic feet compressed inert gas, 500 gallons combustible liquid fuel, 200 gallons electrolytes in closed containers, 500 gallons lubricating and hydraulic fluids, and 1,200 gallons of flammable gas used as fuel (propane)?
YES
NO
Submit a one time business plan, complete exemption form R and pay a one time fee
Submit a business plan and pay an annual fee to:
San Luis Obispo County CUPA, PO Box 1489
2156 Sierra Way
San Luis Obispo, CA 93406
Ph: (805) 781-5544
Within San Luis Obispo city limits
SLO City Fire Dept 2160 Santa Barbara Ave
San Luis Obispo, CA 93401-5240
Ph: (805) 781-7380

COMMON HAZARDOUS MATERIALS

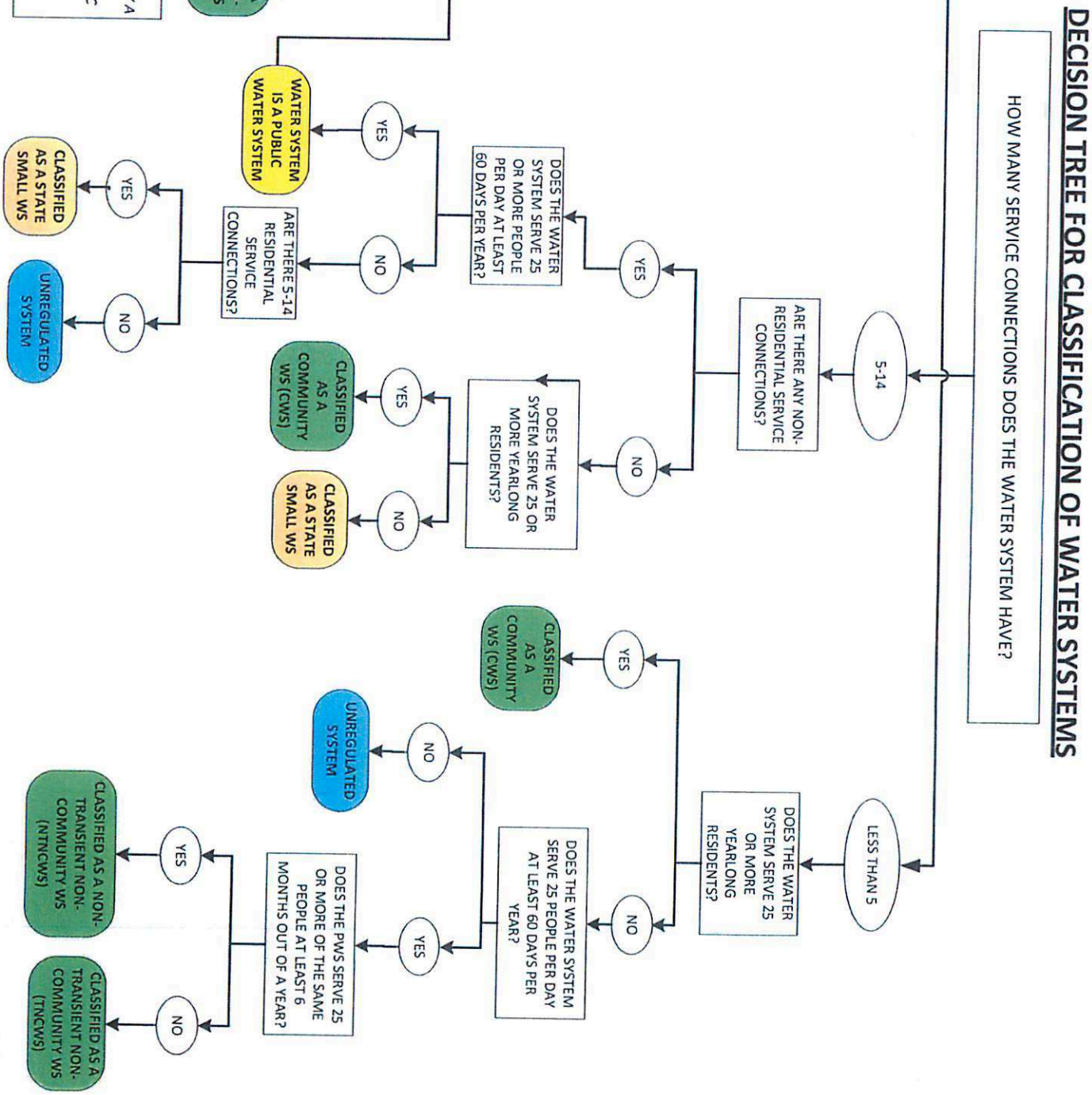
- Lubricants
- Solvents
- Compressed Gases
- Fuel
- Pesticides
- Paint

COMMON HAZARDOUS WASTES

- Crank Case Oil
- Used Anti-Freeze
- Paint
- Used automotive batteries
- Spent solvents

Not sure?

Please contact The County of San Luis Obispo
Public Health Department
Division of Environmental Health
at
(805) 781-5544


DECISION TREE FOR CLASSIFICATION OF WATER SYSTEMS
HOW MANY SERVICE CONNECTIONS DOES THE WATER SYSTEM HAVE?
15 OR MORE
5-14
LESS THAN 5
WATER SYSTEM IS A PUBLIC WATER SYSTEM
DOES THE PWS SERVE AT LEAST 15 YEARLONG RESIDENTIAL UNITS?
YES
NO
CLASSIFIED AS A COMMUNITY WS (CWS)
DOES THE PWS SERVE 25 OR MORE OF THE SAME PEOPLE AT LEAST 6 MONTHS OUT OF A YEAR?
YES
NO
CLASSIFIED AS A NON-TRANSIENT NON-COMMUNITY WS (NTNCWS)
CLASSIFIED AS A TRANSIENT NON-COMMUNITY WS (TNCWS)
PUBLIC WATER SYSTEMS WITH 200 OR LESS SERVICE CONNECTIONS MAY BE REGULATED BY A LOCAL PRIMACY AGENCY (COUNTY).
STATE SMALL WATER SYSTEMS ARE NOT PUBLIC WATER SYSTEMS (Refer to CCR Sections 64211-64217).
YEARLONG RESIDENT → >=183 DAYS/YEAR
ARE THERE ANY NON-RESIDENTIAL SERVICE CONNECTIONS?
YES
NO
DOES THE WATER SYSTEM SERVE 25 OR MORE PEOPLE PER DAY AT LEAST 60 DAYS PER YEAR?
YES
NO
WATER SYSTEM IS A PUBLIC WATER SYSTEM
ARE THERE 5-14 RESIDENTIAL SERVICE CONNECTIONS?
YES
NO
CLASSIFIED AS A STATE SMALL WS
UNREGULATED SYSTEM
DOES THE WATER SYSTEM SERVE 25 OR MORE YEARLONG RESIDENTS?
YES
NO
CLASSIFIED AS A COMMUNITY WS (CWS)
CLASSIFIED AS A STATE SMALL WS
DOES THE WATER SYSTEM SERVE 25 OR MORE YEARLONG RESIDENTS?
YES
NO
CLASSIFIED AS A COMMUNITY WS (CWS)
DOES THE WATER SYSTEM SERVE 25 PEOPLE PER DAY AT LEAST 60 DAYS PER YEAR?
YES
NO
UNREGULATED SYSTEM
DOES THE PWS SERVE 25 OR MORE OF THE SAME PEOPLE AT LEAST 6 MONTHS OUT OF A YEAR?
YES
NO
CLASSIFIED AS A NON-TRANSIENT NON-COMMUNITY WS (NTNCWS)
CLASSIFIED AS A TRANSIENT NON-COMMUNITY WS (TNCWS)
Small Water Systems Unit-WKK 4/9/2012

XOLON SALINAN TRIBE

"PEOPLE OF THE OAKS"

P.O. Box 7045,
Spreckels, Ca. 93962

Karen R. White
Council Chair
blukat41@yahoo.com

Robert Sims
Council Vice Chair
ziggyorjoyce@yahoo.com

Francine Martinez
Council Secretary – MLD/Monitor Coordinator
sassysalinan@aol.com

George Larson
Council Treasurer
smalltownfolks@sbcglobal.net

Council Members:
Thomas Ball - elder
Linda Castle - elder
Selena Castle
Blaise Haro

Tribal Headwoman
Donna Haro – elder
"AAKLETSE"
xolonaakletse@aol.com

January 5, 2016

Subject: **Consult for DRC2015-00039 Foshay, North County Paso Robles, CA.**

Good Day Ms. Phipps & Mr. Pedrotti,

Based on information provided and reviewed, this area falls within our geographical area of traditional and cultural affiliation boundaries.

I would be very cautious on this property; based on further evaluation of the location with our CRC, Karen Fontanetta, there is historic value with this location. This location falls within the area of Klau Mine and may be considered a place of historic significance, perhaps even eligible for the National Register, if any feature from the mine still exists.

Cultural significance, Las Tablas Creek, ran through what is now Klau Mine Road. Las Tablas creek was a stream source from the highest elevation of Adelaide to the Naciemiento River before the dam was built. It is a shame the creek has been contaminated with mercury.

As we have stated, we have had many ancestors remains unearthed along creek side areas. We suspect this particular location for our ancestors was a place to travel through or camp.

We appreciate notification, if any cultural materials are un-earthed during this project. We do understand you must follow the AB52 guidelines as well.

If you have any further questions, please do not hesitate to contact us.

Best Regards,

Karen R. White,
Council Chair
Xolon Salinan Tribe