



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

Tentative Notice of Action

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

MEETING DATE October 21, 2016 EFFECTIVE DATE November 5, 2016	CONTACT/PHONE Holly Phipps 781-1162 hhipps@co.slo.ca.us	APPLICANT Laird and Lisa Foshay	FILE NO. DRC2015-00039
SUBJECT: A request by LAIRD AND LISA FOSHAY for a Minor Use Permit (DRC2015-00039) to allow for the construction of a winery facility to include a tasting room and a special event program. The winery facility totals 9,416 sf (sf) and includes the following: a 3,423 sf wine storage/barrel storage area; a 3,123 sf processing area; an 870 sf tasting room; and a 2,000 sf outdoor covered crush pad. Annual case production estimated is to be 10,000 cases. The special event program includes six special events per year with no more than 80 guests. The project does not propose amplified music past 5 p.m. The project will result in the disturbance of 0.86 acres on a 330 acre parcel. The proposed project is within the Agriculture land use category and is located at 10425 Klau Mine Rd, approximately 15 miles west of the City of Paso Robles. This site is within the North County Planning Area, Adelaida Sub Area.			
RECOMMENDED ACTION 1. Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Minor Use Permit DRC2015-00039 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION: The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on September 15, 2016 of issuance for this project. Mitigation measures are proposed to address aesthetics, air quality, biological resources, geology and soils, hazards/hazardous material, noise, public services/utilities and transportation/circulation and water/hydrology and are included as conditions of approval.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 014-101-059	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: None applicable			
LAND USE ORDINANCE STANDARDS: Section 22.30.070 Agricultural Processing Uses, Section 22.62.050 Minor Use Permit Approval, Section 22.10.140 Setbacks, Section 22.10.090 Heights, Chapter 22.18 Parking and Loading, Section 22.10.180 Water Quality, Section 22.30.610, Temporary Events, Section 22.10.120 Noise Standards. Does the project conform to the Land Use Ordinance standards? Yes - see discussion			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on November 5, 2016 if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

EXISTING USES: Agricultural uses and vineyards	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture; agricultural uses: grazing <i>East:</i> Agriculture; agricultural uses: grazing <i>South:</i> Agriculture; agricultural uses: grazing <i>West:</i> Agriculture; agricultural uses: grazing and vineyards	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Agricultural Commissioner, Air Pollution Control Board, CAL FIRE, Cal Trans, Cal Trans, and RWQCB.	
TOPOGRAPHY: Gently sloping level to steeply sloping	VEGETATION: Vineyards, oak woodland, and annual grassland
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CAL FIRE	ACCEPTANCE DATE: January 25, 2016

PROJECT DESCRIPTION:

The project includes the construction of a winery facility with a public tasting room and a special event program. The winery facility will total 9,416 sf and that will include: a 3,423 sf wine storage/barrel storage area; a 3,123 sf processing area; an 870 sf tasting room; and a 2,000 sf outdoor covered crush pad. The project will result in the disturbance of approximately 37,390 sf (0.86 acres) on a 330 acre parcel. Wine production is estimated at 10,000 cases per year. The proposed project includes 6 special events per year with a maximum of 80 guests at each special event. The applicant is also requesting to participate in industry wide events as allowed per ordinance. No outdoor amplified music after 5 pm is proposed.

The operation is proposed to include on-site crushing, fermentation, barrel aging, blending, bottling, and case good storage. The proposed winery will process grapes from off-site and from on-site grapes.

LAND USE ORDINANCE STANDARDS:

Ordinance Compliance:

The project is subject to Land Use Ordinance section 22.30.070.D.(2), Wineries. Section 22.30.070 sets forth standards for winery development including but not limited to access, setbacks, parking, design, screening, height, lighting and tasting rooms.

<u>Standard</u>	<u>Allowed / Required</u>	<u>Proposed</u>	<u>In Compliance</u>
Minimum Site Area (Section 22.30.070)	20 acres	330 acres	Yes
Access location (Section 22.30.070)	Wineries with tasting rooms, retail sales located within 1 mile of arterial or collector	Property is accessed from Klau Mine Road, a collector road	Yes

<u>Standard</u>	<u>Allowed / Required</u>	<u>Proposed</u>	<u>In Compliance</u>
Setbacks from residences outside of the ownership of the applicant (Section 22.30.070)	200 feet for wine processing buildings 400 feet for tasting room	> 200 feet > 400 feet	Yes
Setbacks from property lines: (Section 22.30.070)	100 feet required for wine processing buildings 200 feet for Tasting Room	> 100 feet > 200 feet	Yes
Setbacks of Tasting room to Processing Facility (Section 22.30.070)	Tasting Room must be within 200 feet of the wine processing facility	< 200 feet (tasting room is located within the processing building)	Yes
Height (Section 22.30.070)	35 feet or 45 feet where a pitched roof of greater than 4 in 12 is proposed and at least 50 percent of the structure is at 35 feet or less	<ul style="list-style-type: none"> > 50 percent of the structure has a height of 30 feet and 7 inches The proposed cupolas create a maximum height of 35 feet and 8 inches 	Yes
Signs (Section 22.20)	<ul style="list-style-type: none"> One monument sign Maximum of aggregate area of 100 sf of signing per site Maximum area of 40 sf Maximum height of 5 ft. 	No signs proposed at this time	NA
Limitation on Use / Noise (Section 22.30.070)	<ul style="list-style-type: none"> Special events limited to 40 days per year; Amplified music shall not occur before 10 a.m. and after 5 p.m.; Standard may be waived where finding can be made that the noise will not exceed 65dB at property lines 	<ul style="list-style-type: none"> No outdoor amplified music proposed after 5 p.m.; 6 special events/yr. with up to 80 guests 	Yes
Design Standards (Section 22.30.070)	Agricultural or residential in nature	Residential in character	Yes

<u>Standard</u>	<u>Allowed / Required</u>	<u>Proposed</u>	<u>In Compliance</u>
Tasting room (Section 22.30.070)	One tasting room allowed for each winery	One tasting room proposed.	Yes
Liquid waste disposal (Section 22.30.070)	<ul style="list-style-type: none"> Winery wastewater - standards set through RWQCB Domestic wastewater - leach lines shall be located at least 100 feet from any private well 	<ul style="list-style-type: none"> Conditioned for waste discharge permit from RWQCB Provided information to Environmental Health Department. Conditioned to comply with all received comments. 	Yes, as conditioned
Solid waste disposal (Section 22.30.070)	Pomace may be used as fertilizer or soil amendment	Pomace will be composted on site	Yes, as conditioned
Lighting (Section 22.30.070)	Lighting fixtures are required to be shielded	Proposed lighting does not throw light or reflect light in an upward direction	Yes
Screening/ Landscaping (Section 22.30.070)	Screening if visible from public road (can be seen from Klau Mine Road)	Landscaping is not proposed because the project is not visible from Klau Mine Road	Yes
Parking 1 per 2,000 sf active 1 per 5,000 sf of storage 1 per 200 sf of tasting room (Section 22.18)	13 spaces	14 spaces	Yes
Design and Operation Standards / Special Event Parking (Section 22.30.610.D.1-4 and E)	400 sf per vehicle; Located on open areas with slopes of 10 % or less, free of combustible material; 80 person event would require 16,000 sf	There is enough room located on site for overflow parking that meets LUO standards	Yes
Design and Operation Standards / Access (Section 22.30.610.D.1-4 and E)	Temporary Events shall be provided 2 access points	One primary access and one secondary access has been proposed as shown of site plan	Yes
Design and Operation Standards / Fire Protection (Section 22.30.610.D.1-4 and E)	Facilities to be provided as required by CAL FIRE	Project will be designed to meet CAL FIRE standards	Yes, as conditioned

<u>Standard</u>	<u>Allowed / Required</u>	<u>Proposed</u>	<u>In Compliance</u>
Design and Operation Standards / Water Supply and sanitation (Section 22.30.610.D.1-4 and E)	Facilities to be provided as required by the Health Department	Project will be designed to meet Health Department Standards	Yes, as conditioned
Permit Requirement	Minor Use Permit approval required for 6 or less special events	6 special events with up to 80 guests	Yes, applicant has applied for a Minor Use Permit approval

PLANNING AREA STANDARDS:

There are no planning area standards applicable to this project.

COMMUNITY ADVISORY GROUP COMMENTS:

Not applicable; the project is outside of the Templeton Advisory Group Boundary

AGENCY REVIEW:

Public Works – the referral letter received July 13, 2016 included comments regarding access, fees, and drainage.

Environmental Health – the referral letter received August 11, 2015 included comments regarding the water system, the Hazardous Materials Flowchart attachment, and the tasting room.

Agricultural Commissioner- the referral letter received September 18, 2015 included comments regarding water conservation and the maximization of pervious and semi-pervious areas

CAL FIRE – the referral letter received December 4, 2015 included comments regarding secondary road access and special events.

RWQCB - no comments received.

Cal Trans – no comments received.

Air Pollution Control District – the referral letter received September 28, 2015 included comments regarding dust controls and likely hood of natural occurring asbestos is low.

LEGAL LOT STATUS:

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

Staff report prepared by Kacey Hass and reviewed by James Caruso.