



COUNTY OF SAN LUIS OBISPO

(ENDORSED) FOR OFFICIAL USE ONLY (ss)

MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

ENVIRONMENTAL DETERMINATION NO. ED01-350

JUN 25 2003 DATE: April 4, 2003

PROJECT/ENTITLEMENT: Robak Minor Use Permit; D010060P JULIE L. RODEWALD COUNTY CLERK

BY CHERIE AISPURO DEPUTY CLERK

APPLICANT NAME: Thomas and Charlotte Robak

ADDRESS: P.O. Box 14207 San Luis Obispo, CA 93406

CONTACT PERSON: Rachel Dumas, Compli LLC

Telephone: 805/ 239-4502

PROPOSED USES/INTENT: A request to allow for a winery consisting of 1) grading and construction of an approximate 18,118 square foot processing facility, 2) an approximate 3,257 square foot tasting room and office facility, 3) a 16 space parking lot, and 4) related site improvements, which will result in the disturbance of approximately 77,000 square feet of an approximate 15.42 acre parcel

LOCATION: North side of Highway 46, 0.3 mile west of Anderson Road, approximately 2.0 miles west of the City of Paso Robles

LEAD AGENCY: County of San Luis Obispo, Department of Planning & Building County Government Center Room 310 San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: U.S. Army Corps of Engineers California Department of Fish and Game Regional Water Quality Control Board

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 ..... 5 p.m. on April 18, 2003 (Circle one) 20-DAY 30-DAY PUBLIC REVIEW PERIOD begins at time of notice publication.

Notice of Determination

State Clearinghouse No. \_\_\_\_\_

This is to advise that the San Luis Obispo County Planning Dept Head as Lead Agency [ ] Responsible Agency approved/denied the above described project on 6-6-03, 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 were made a condition of the 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:

Department of Planning and Building, County of San Luis Obispo, County Government Center, Room 310, San Luis Obispo, CA 93408-2040

Signature: Steven McMaster Title: Env Spec Date: 6-6-03 Public Agency: County of San Luis Obispo

# CALIFORNIA DEPARTMENT OF FISH AND GAME CERTIFICATE OF FEE EXEMPTION

De Minimis Impact Finding

**PROJECT TITLE & NUMBER:** Robak Minor Use Permit; D010060P

**Project Applicant**

Name:	<u>Thomas and Charlotte Robak</u>
Address:	<u>P.O. Box 14207</u>
City, State, Zip Code:	<u>San Luis Obispo, CA 93406</u>
Telephone #:	<u>(805) 441-9530</u>

**PROJECT DESCRIPTION/LOCATION:** See attached Notice of Determination

**FINDINGS OF EXEMPTION:**

There is no evidence before this agency that the proposed project has the potential for adverse effect on wildlife resources for one or more of the following reason(s):

- ( ) The project is located in an urbanized area that does not contain substantial fish or wildlife resources or their habitat.
- ( ) The project is located in a highly disturbed area that does not contain substantial fish or wildlife resources or their habitat.
- (X) The project is of a limited size and scope and is not located in close proximity to significant wildlife habitat.
- ( ) The applicable filing fees have/will be collected at the time of issuance of other County approvals for this project. Reference Document Name and No. \_\_\_\_\_
- ( ) Other: \_\_\_\_\_

**CERTIFICATION:**

I hereby certify that the lead agency has made the above findings of fact and that, based upon the initial study and the hearing record, the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

\_\_\_\_\_  
**Ellen Carroll, Environmental Coordinator**  
County of San Luis Obispo

Date: \_\_\_\_\_



**COUNTY OF SAN LUIS OBISPO  
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

**Project Title & No. Robak Minor Use Permit; D010060P**

**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.

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Aesthetics           | <input checked="" type="checkbox"/> Geology and Soils         | <input type="checkbox"/> Recreation                             |
| <input type="checkbox"/> Agricultural Resources          | <input type="checkbox"/> Hazards/Hazardous Materials          | <input checked="" type="checkbox"/> Transportation/Circulation. |
| <input checked="" type="checkbox"/> Air Quality          | <input type="checkbox"/> Noise                                | <input checked="" type="checkbox"/> Wastewater                  |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Population/Housing                   | <input checked="" type="checkbox"/> Water                       |
| <input type="checkbox"/> Cultural Resources              | <input checked="" type="checkbox"/> Public Services/Utilities | <input type="checkbox"/> Land Use                               |

Mandatory Findings of Significance

**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.

MORRO GROUP, INC. Shawna Grott 03/06/03  
Prepared by(Print) Signature Date

Steven McMaster Ellen Carroll 3/21/03  
Reviewed by(Print) Signature (for) Environmental Coordinator 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, 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 Environmental Division 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 Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

**A. PROJECT**

**DESCRIPTION:** - Proposal by Thomas and Charlotte Robak for a Minor Use Permit to allow for the construction of an approximately 21,275 square-foot winery consisting of an approximately 18,118-square foot wine processing building, 3,157-square foot visitor's center (tasting room and administration building), sixteen-space parking lot, above-ground water storage tank, access road, standard leach field, wastewater ponds, landscaping, grading, and related site improvements. The project is located on the north side of Highway 46, 0.3 mile west of Anderson Road, approximately 2.0 miles west of the City of Paso Robles, in the Adelaida (Rural) planning area.

**ASSESSOR PARCEL NUMBER(S):** 040-111-024

**SUPERVISORIAL DISTRICT #** 1

**B. EXISTING SETTING**

**PLANNING AREA:** Adelaida

**LAND USE CATEGORY:** Agriculture

**COMBINING DESIGNATION(S):** None applicable

**EXISTING USES:** Undeveloped; cattle grazing

**TOPOGRAPHY:** Gently to moderately sloping

**VEGETATION:** Grasses; forbs; white oak; coast live oak

**PARCEL SIZE:** 15.42 acres

**SURROUNDING LAND USE CATEGORIES AND USES:**

*North:* Agriculture/ Dry farmed grains; livestock grazing

*East:* Agriculture/ Anderson Road; Dry farmed grains; vineyards; wineries

*South:* Agriculture/ Highway 46; dry farmed grains; livestock grazing

*West:* Agriculture/ Dry farmed grains; livestock grazing

## C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having 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 - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Create an aesthetically incompatible site open to public view?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Introduce a use within a scenic view open to the public?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the visual character of an area?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Create glare or night lighting which may affect surrounding areas?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Impact unique geological or physical features?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project property is located 0.3 mile west of Anderson Road on the north side of Highway 46 (refer to Figures 1 through 3). The surrounding area consists of gently rolling to moderately steep hillsides vegetated with grassland and oak woodlands. Development in the vicinity of the project site varies from livestock grazing, smaller-scale vineyards, wineries, agriculture accessory structures, and scattered single-family residences. The applicant is proposing to grade for and construct a wine processing building, visitor's center, above-ground water tank, parking lot, access road, and wastewater treatment leach field and pond (refer to Figures 4 through 7). The wine processing building and visitor's center would be constructed on an existing ridgeline currently vegetated by seven coast live oaks (*Quercus agrifolia*), one white oak (*Quercus alba*), and a toyon (*Heteromeles arbutifolia*) cluster. The proposed water tank would be constructed approximately 180.0 feet northwest of the proposed building sites adjacent to six coast live oaks, four white oaks, and one toyon cluster. The proposed access road approach would extend northwest from Highway 46 and continue west up the hillside towards the building sites. Near the base of the existing hill, the proposed road would branch in two. One branch would lead to a parking lot on the west side of the proposed structures and the second branch would lead to the rear (east side) of the wine processing building. Approximately 20,000 cubic yards of cut and fill are proposed to be moved for construction of the building and water tank pads, access road, and wastewater treatment facilities.

As proposed, the winery and associated developments would be visible as seen from an approximately one-mile stretch along Highway 46. A *Visual Impact Assessment of the Proposed Braveheart Winery* (Robert G. Carr; December 2002) was prepared to analyze the visibility of the proposed project, identify potential impacts to visual resources, and determine appropriate measures to mitigate visual impacts to a level of insignificance.

The *Visual Impact Assessment* determined that the quality of the existing visual environment is high. The Highway 46 corridor between Highway 101 and Highway 1 is recognized as a route which defines the rural beauty of the central coast; this section of Highway 46 is listed in the San Luis Obispo County General Plan as a scenic corridor candidate and is identified by the State of California as being eligible for State Scenic Highway designation. These listings do not require special protective measures regarding scenic resources; however, they do provide a basis for establishing a baseline for the aesthetic quality of an area and an indication of community values and sensitivity regarding the visual character. As seen from Highway 46, the project parcel and site contributes to the visual character and high quality of this dramatic rural landscape. The landform of the proposed building site is part of a panoramic scenic backdrop and for a brief portion of Highway 46, the project site defines the horizon line to the north and northeast.

Based on the *Visual Impact Assessment*, the proposed buildings, water tank, access road, and cut and fill slopes would be seen for 0.9 mile (55 seconds) from the eastbound travel lane of Highway 46 within the primary cone of vision. The project site is shielded from the westbound travel lane of Highway 46 by existing landforms with the exception of a 0.2 mile stretch (4.0 seconds). During this stretch, a portion of the proposed buildings would be seen beyond an existing ridge.

**Impacts.** Based on the *Visual Impact Assessment*, significant visual impacts would occur as a result of the proposed project including the following:

**Above-Ground Structures.** The proposed project would be clearly visible along the majority of the Highway 46 view corridor, with only a few instances where existing roadside trees obstruct the view. For an approximately 0.2 mile section of the corridor in the eastbound viewing direction, the winery and tasting room structures would silhouette above the existing ridgeline. For the remainder of the viewing corridor, the proposed buildings would appear below the ridge and would be noticed primarily by their color and amount of visual contrast with the surrounding landscape. The existing coast live and white oak trees adjacent to the proposed building and watertank sites are proposed to remain and would screen portions of the proposed buildings and provide increased opportunity for the project to visually blend with the setting. Trimming and any impacts to these oak trees resulting in mortality would significantly affect this natural existing visual screen and increase exposure of the proposed winery, visitor's center, and watertank.

Depending on the specific location and size, the proposed water tank has the potential to silhouette against the skyline. The color and reflectivity of the tank would affect how well it would visually blend with its setting. The existing coast live oaks, white oaks, and toyon cluster adjacent to the proposed water tank site would provide partial screening or backdrop for the tank.

**Access Road.** The proposed access road would be a highly visible project element. The proposed road alignment up the hillside would increase the proposed project's noticeability as seen from Highway 46. The paved surface of the road would visually contrast with the adjacent landcover and would increase the developed appearance of the proposed project.

**Cut and Fill.** The large cut and fill slopes proposed with the project are potentially visible throughout the Highway 46 viewing corridor. Due to the engineered appearance of the earthwork and the light-colored soil material native to the site, the slopes are expected to be noticeable and contrast with the natural landform and landcover.

**Night Lighting.** Due to the proposed project's proximity to Highway 46 and raised elevation, the potential exists for night lighting to be seen from moderate distances. The combination of bright interior and exterior lights, large windows, and wall openings would result in a highly visible illumination as seen from Highway 46. Unshielded light sources or bright lights reflected on south and west facing exterior walls would result in impacts as seen from the highway viewing corridor. Lights on tall posts associated with the access road, parking area, winery facility would be highly visible. The effect of lighting on the project site would contribute to the cumulative impact of night sky illumination in the area.

**Mitigation/Conclusion.** The *Visual Impact Assessment* presents measures designed to mitigate visual impacts resulting from the proposed project to a level of insignificance. These measures include: 1) lowering the height of the tasting room to reduce silhouetting; 2) planting of trees to disguise building forms; 3) allowing structures to blend with the surroundings; 4) creating a visual transition from the natural adjacent ground plane to the structures; 5) planting of shrubs and vineyard to screen visibility of the access road; 6) use of dark muted exterior colors to reduce contrast and reflectivity; and 7) reduction of interior and exterior illumination by limiting light direction, placement and surface reflectivity (refer to Figure 8 for recommended planting areas).

Upon review of the *Visual Impact Assessment*, the applicant revised the design of the visitor's center by lowering the height of the structure below the distant ridgeline. A preliminary landscape plan was prepared and submitted, as shown in Figures 9 and 10; however, the plan does not adequately incorporate the mitigation measures listed in the *Visual Impact Assessment* report. The applicant has agreed to submit revised landscape plans and incorporate all mitigation measures listed in the *Visual Impact Assessment* report and Exhibit B (Mitigation Monitoring Plan) of this document. The applicant has also agreed to protect existing oak trees by installing construction fencing during proposed grading and construction activities and avoiding disturbance of the oak trees during operation of the winery and visitor's center.

**2. AGRICULTURAL RESOURCES -**

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <b>Convert prime agricultural land to non-agricultural use?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <b>Impair agricultural use of other property or result in conversion to other uses?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <b>Conflict with existing zoning or Williamson Act program?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <b>Other _____</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** The proposed project is located in the Agriculture land use category. Agricultural uses on the parcel and in the surrounding areas consist primarily of livestock grazing, dry farmed grains, and vineyards. The proposed project was referred to Mr. John Warrick with the County of San Luis Obispo Agricultural Commissioner's Office. There is an area of prime agricultural soils located in the southwest corner of the parcel; the applicant is proposing to plant vineyards in this area. In response to the referral, Mr. Warrick determined that the proposed project meets the intent of the San Luis Obispo County *Agriculture and Open Space Element*, would not affect prime farmland, and would not conflict with existing zoning and agricultural land uses (November 5, 2001). The applicant's original proposed project included a request for six special events per year. In response to the original request for special events, Mr. Warrick determined that the proposed special events would not meet the building setback and acreage requirements stated in County of San Luis Obispo Land Use Ordinance Section 22.08.042 (Ag Processing Uses). The applicant removed the proposed special events from the project description; therefore, the currently proposed project would comply with all applicable County agriculture policies and ordinances.

**Mitigation/Conclusion.** Due to the limited size of the proposed revised project and Mr. Warrick's response, no impacts to agricultural resources is anticipated.

**3. AIR QUALITY - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <b>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <b>Expose any sensitive receptor to substantial air pollutant concentrations?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <b>Create or subject individuals to objectionable odors?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <b>Be inconsistent with the District's Clean Air Plan?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <b>Other</b> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** In San Luis Obispo County, ozone and PM10 are the pollutants of main concern, since exceedances of state health-based standards for those are experienced here in most years. For this reason, in 1989 the State Air Resources Board designated our county as a non-attainment area for both the state ozone and PM10 standards. Based on the latest APCD Annual Air Quality Report (2001), state and federal ozone standards were not exceeded at any of the permanent ambient air monitoring stations. State and federal ozone standards were exceeded at three special study sites associated with the Central California Ozone Study (CCOS). Countywide, exceedances of the state PM10 (fugitive dust) standard of 50 ug/m3 occurred on 15 out of 60 different sample days in 2000. Both the Paso Robles and Atascadero monitoring stations recorded two state PM10 exceedances this year while the Ralco Way station on the Nipomo Mesa recorded fifteen exceedance days with a maximum value of 110.5 ug/m3. There were no exceedances of the national air quality standard for PM10 in the county in 2000.

The Air Pollution Control District (APCD) estimates that automobiles currently generate about 47% of the pollutants responsible for ozone formation. Dust, or particulate matter less than ten microns (PM 10), can be emitted directly from a source, and can also be formed in the atmosphere through chemical transformation of gaseous pollutants. Nitrous oxides (NOx) and reactive organic gasses (ROG) pollutants sometimes contribute towards this chemical transformation into PM10.

As proposed, the project will result in the disturbance of approximately 70,000 square feet of material (19,935 cubic yards of cut and fill). This will result in both short-term vehicle emissions (which helps create ozone) and the creation of dust during construction. Based on Table 1-1 of the CEQA Air Quality Handbook, the project will generate less than 10lbs/day of emissions; therefore no mitigation for vehicle emissions is required.

**Mitigation/Conclusion.** Based on the size of the proposed project, there is sufficient ground disturbance to warrant construction dust control and air quality mitigation. To mitigate these potential impacts, the applicant has agreed to comply with APCD's standard construction dust control measures such watering disturbed soils, vehicle and equipment speed limitations, and revegetation of disturbed soils. Upon implementation of these measures, air quality impacts will be reduced to less than significant levels.

**4. BIOLOGICAL RESOURCES - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <b>Result in a loss of unique or special status species or their habitats?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**4. BIOLOGICAL RESOURCES -**

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.**

Vegetation. Two clusters of coast live oak (*Quercus agrifolia*) and white oak (*Quercus alba*) are located on the project parcel. The wine processing building and visitor's center would be constructed on an existing ridgeline currently vegetated by seven coast live oaks and one white oak, and the proposed water tank would be constructed adjacent to six coast live oaks and four white oaks. The applicant is not proposing the removal of any oak trees.

Drainages. One seasonally intermittent drainage and one ephemeral drainage are located on the project property. Both drainages flow into unnamed tributaries that eventually drain into the Salinas River, located over two miles east of the project site. No riparian vegetation is present within either drainage; however, both show evidence of a defined bed and bank. The seasonally intermittent drainage is located approximately 100.0 feet southwest of Anderson Road and flows southeast under Highway 46 through an existing 24.0-inch diameter culvert constructed by Caltrans. The second drainage flows along the northeastern property boundary of the project parcel, cuts west, and fans out in the southern portion of the project property. During rain events, storm water is carried within this drainage and flows east to converge with the drainage near Anderson Road and heads southeast under Highway 46 to eventually drain into the Salinas River.

The applicant is proposing to construct two 24.0-inch diameter high density polyethylene culverts to facilitate flow within the seasonally intermittent drainage under the proposed access road, approximately 180.0 feet northwest of the proposed access road approach. The applicant is proposing to construct the northern branch of the access road within the current location of the ephemeral drainage and realign the drainage to flow adjacent to the proposed road. Two culverts are proposed under the "Y" intersection in the access road to carry storm water flow in a direction similar to the existing drainage pattern (refer to Figure 11).

**Impact.**

Vegetation. Grading activities and construction of the proposed wine processing building, visitor's center, and water tank would impact the root zones of thirteen coast live oak and five white oak trees.

Drainages. Construction of culverts within the seasonally intermittent and ephemeral drainages, realignment of the ephemeral drainage, and site disturbance activities adjacent to both drainages during rain events would result in a temporary increase in turbidity, and sedimentation, mechanical fuels, or oils polluting unnamed tributaries to the Salinas River and the Salinas River. Inadequate stabilization of the realigned drainage would result in substantial erosion and subsequent sediment discharge into unnamed tributaries to the Salinas River, and the Salinas River. Additional sedimentation and pollutants may enter the creek during grading activities, installation of the wastewater pond, and construction of the winery and visitor's center facilities.

**Mitigation/Conclusion.**

**Vegetation.** To mitigate impacts to the eighteen coast live and white oak trees, the applicant has agreed to incorporate mitigation measures into the project. In addition to the protective fencing required for aesthetic resources mitigation (refer to Section 1 of this document), the applicant shall replace within the parcel the eighteen impacted oak trees with one-gallon or larger container coast live and white oak specimens at the replacement ratio of 2-to-1. Therefore, the applicant will be required to plant, protect and successfully maintain twenty-six new coast live and ten new white oak trees. The applicant has agreed to retain a qualified individual to monitor the new trees on an annual basis for no less than three years. The retained individual shall submit monitoring reports to the County of San Luis Obispo Department of Planning and Building/Division of Environmental and Resource Management for review and approval.

**Drainages.** To mitigate for impacts to unnamed tributaries and the Salinas River, the applicant has agreed to implement preventative measures prior to site disturbance, protective mitigation measures during construction and restorative mitigation measures subsequent to construction. The proposed drainage realignment, all culvert installations, and site disturbance activities within 100.0 feet of either drainage shall only be allowed between May 15 and October 15 (outside of the rainy season) unless erosion, sedimentation, and pollution prevention measures are fully in place.

To minimize the potential for sediment and pollutant discharge degrading unnamed tributaries to the Salinas River during all site disturbance, grading, and construction activities, a drainage protection plan incorporating Best Management and Pollution Prevention Practices will be prepared and submitted to the County of San Luis Obispo for approval. The protection plan shall incorporate a sedimentation and erosion control plan and describe the location and type of fencing to protect drainage areas outside of grading limits from incidental disturbance. To mitigate for proposed disturbance of both drainages during culvert installation and the proposed realignment of the ephemeral drainage, the applicant shall prepare and implement a restoration plan. The seasonally intermittent drainage shall be restored with native riparian vegetation at a 2:1 ratio, and the entire realignment of the ephemeral drainage within the project parcel shall be stabilized and restored with native vegetation appropriate for the site. Implementation of the drainage protection and restoration plans would improve the existing drainage and minimize sediment and pollutant discharge degrading unnamed tributaries to the Salinas River. Detailed mitigation measures are listed in Exhibit B (Mitigation Monitoring Plan).

Implementation of the above measures will reduce potential biological resources impacts to a level of insignificance.

**5. CULTURAL RESOURCES -**

*Will the project:*

- a) *Disturb pre-historic resources?*
- b) *Disturb historic resources?*
- c) *Disturb paleontological resources?*
- d) *Other \_\_\_\_\_*

Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** The project is located in an area historically occupied by the Obispeño Chumash and Southern Salinan. The project is not located in an area that would be considered culturally sensitive due to a lack of physical features typically associated with prehistoric occupation, and no recorded sites are located in the immediate area. No evidence of cultural materials were noted on-site and no impacts are anticipated. No structures are present and no paleontological resources are known to exist in the area. Impacts to historic or paleontological resources is not expected.

**6. GEOLOGY AND SOILS -**

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a CA Dept. of Mines &amp; Geology Earthquake Fault Zone (formerly Alquist Priolo)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>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?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.**

Geology. The topography of the project site ranges from gently to moderately sloping. The project parcel is located outside of the Geologic Study Area designation. The landslide risk is considered moderate and the liquefaction potential during a ground-shaking event is considered low to moderate. No active faulting is known to exist on or near the subject property. There is no evidence that measures above what will already be required by ordinance or code are needed.

Drainage. One seasonally intermittent drainage and one ephemeral drainage are located on the project property, as described in Section 4 (Biological Resources). The applicant is proposing to construct the northern branch of the access road within the current location of the ephemeral drainage and realign the drainage to flow adjacent to the proposed road. Two 24.0-inch diameter culverts are proposed under the proposed access road to facilitate flow of the seasonally intermittent drainage, and two culverts are proposed under the "Y" intersection in the access road to carry storm water flow in a direction similar to the existing drainage pattern. Other drainage improvements proposed for the site include four drainage

culverts and installation of rip-rap flow dissipaters under and adjacent to the proposed access road alignments. The area proposed for development is outside of the 100-year Flood Hazard designation. As described in the Natural Resource Conservation Service Soil Survey, these soils are very poorly to not well drained.

**Sedimentation and Erosion.** The soil types on the project site consist of Gazos shaly clay loam and Lockwood shaly loam. As described in the Natural Resource Conservation Service Soil Survey, the soil surface is considered highly erodible and has a moderate shrink-swell characteristic. Project grading may create exposed graded areas subject to increased soil erosion and down-gradient sedimentation. Approximately 70,000 square feet of area are proposed for site disturbance.

**Impact.**

**Drainage.** The applicant has submitted a grading and drainage plan incorporating the use of culverts and rip-rap flow dissipaters to manage drainage on the project site, as shown in Figures 11 through 13. The proposed plan is designed to maintain the existing flow rate and direction of offsite drainage. Implementation of the proposed plan and the requirements of County Land Use Ordinance, Sec. 22.05.040 (Drainage Plan) are required.

**Sedimentation and Erosion.** Erosion of graded areas and discharge of sediment down gradient will likely result, if adequate temporary and permanent measures are not taken before, during and after vegetation removal and grading. If not properly mitigated, these impacts both on the project site and within surrounding areas may be significant.

**Mitigation/Conclusion.** To mitigate for potential sedimentation and erosion impacts, the applicant has agreed to submit a sedimentation and erosion control plan incorporated into a drainage protection plan to the County of San Luis Obispo for review and approval. The plan shall address temporary (during site disturbance, grading, and construction) and final (post-construction) methods for stabilizing soil and minimizing soil loss from the proposed project site. Due to the amount of grading proposed (over 1.0 acre), a Storm Water Pollution Prevention Plan (SWPPP) is required by the State Water Quality Control Board. Based on the implementation of an approved sedimentation and erosion control plan, SWPPP, and County standard requirements, geological, drainage, and sedimentation/erosion impacts will be reduced to less than significant levels.

**7. HAZARDS & HAZARDOUS MATERIALS - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <b>Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <b>Interfere with an emergency response or evacuation plan?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <b>Expose people to safety risk associated with airport flight pattern?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <b>Increase fire hazard risk or expose people or structures to high fire hazard conditions?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <b>Create any other health hazard or potential hazard?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**7. HAZARDS & HAZARDOUS MATERIALS - Will the project:**

Potentially Significant    Impact can & will be mitigated    Insignificant Impact    Not Applicable

f) **Other** \_\_\_\_\_

**Setting/Impact.** The proposed project is located in an area of predominantly agricultural uses. There are no known hazardous waste sites or pipelines underlying or in the vicinity of the project area and the project does not propose the use of hazardous materials. The proposed project is located within an area of high fire hazard and is subject to regulations enforced by the California Department of Forestry/County Fire Department.

**Mitigation/Conclusion.** The California Department of Forestry/County Fire Department prepared a Fire Safety Plan (Gilbert Portillo, September 6, 2001) to address potential fire safety concerns. The applicant shall implement the Fire Safety Plan and operate the winery in full compliance with all requirements.

**8. NOISE - Will the project:**

Potentially Significant    Impact can & will be mitigated    Insignificant Impact    Not Applicable

a) **Expose people to noise levels which exceed the County Noise Element thresholds?**

b) **Generate increases in the ambient noise levels for adjoining areas?**

c) **Expose people to severe noise or vibration?**

d) **Other** \_\_\_\_\_

**Setting.** The proposed project site is located adjacent to Highway 46. The proposed visitor's center would be located approximately 200.0 feet northwest of Highway 46. The topography between the highway and the site consists of gently to moderately sloping hillsides. The *Noise Element of the San Luis Obispo County General Plan* (May 5, 1992) was consulted to evaluate the potential exposure to traffic noise from Highway 46. The noise contour maps indicated that the proposed wine processing building and visitor's center are located outside of the 60 Ldn (average day and night noise level) noise contour. According to the *Noise Element*, the future noise exposure is acceptable and does not require mitigation. The applicant is not proposing any special events.

The proposed project will not generate or be exposed to significant stationary or transportation-related noise sources; therefore no significant noise impacts would occur as a result of the proposed project.

**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 or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?**

b) **Displace existing housing or people, requiring construction of replacement housing elsewhere?**

9. POPULATION/HOUSING - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** The proposed project is not anticipated to induce growth, create the need for new housing, or use a substantial amount of fuel or energy to construct and maintain. The proposed winery facility does not displace existing housing or people. Therefore, no significant population and housing impacts are expected to occur.

10. PUBLIC SERVICES/UTILITIES - <i>Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Fire protection?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Police protection (e.g., Sheriff, CHP)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Schools?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Roads?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Solid Wastes?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other public facilities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** The project site is served by the County Sheriffs Department, and California Department of Forestry/San Luis Obispo County Fire Department as the primary emergency responders. The nearest CDF County Fire station is located in the City of Paso Robles, approximately five miles from the project site. The nearest Sheriff station is located in the community of Templeton, approximately four miles from the project site. The project site is located within and served by the Paso Robles Joint Unified School District. This proposed project, along with numerous others in the area would have a cumulative effect on police and fire protection, and schools. Public facility and school fee programs have been adopted to address this impact and would reduce the cumulative impact to a level of insignificance. No significant project-specific impacts to utilities or public services were identified.

11. RECREATION - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase the use or demand for parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Affect the access to trails, parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**11. RECREATION - Will the project:**

Potentially Significant    Impact can & will be mitigated    Insignificant Impact    Not Applicable

c) *Other* \_\_\_\_\_

**Setting/Impact.** The County Trails Plan does not show a future trail being considered on the subject property. The project is not proposed in a location that will affect any trail, park or other recreational resource. No impacts to recreational resources would occur as a result of the proposed project.

**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 "Levels 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) *Result in inadequate parking capacity?*

f) *Result in inadequate internal traffic circulation?*

g) *Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?*

h) *Result in a change in air traffic patterns that may result in substantial safety risks?*

i) *Other* \_\_\_\_\_

**Setting/Impact.** The proposed winery and visitor's center would be accessed from an access driveway proposed parallel to Highway 46 before extending northwest to the proposed winery buildings. Three existing wineries are currently accessed by Anderson Road, which intersects with Highway 46 approximately 750.0 feet east of the proposed access road approach. The anticipated number of trips generated by the proposed winery would be twenty during the harvest season. The proposed visitor's center (tasting room) is expected to generate up to thirty trips per day during a peak summer weekend. The applicant is proposing a sixteen-space parking lot and an overflow parking area to accommodate employees and visitors. Referrals were sent to County Public Works and the California Department of Transportation (Caltrans).

Public Works did not identify any significant traffic safety or circulation impacts. Caltrans responded with concerns pertaining to travelers turning left onto Anderson Road from Highway 46. Caltrans recommends that a left turn channelization lane be installed on Highway 46 to facilitate traffic flow. The applicant is not proposing any special events and the proposed winery and visitor's center would not generate a significant number of trips that would result in a project specific traffic safety impact or a

degradation of the level of service on Highway 46; however, the additional trips would contribute to cumulative traffic congestion in the vicinity of the project area.

**Mitigation/Conclusion.** To mitigate for the proposed project's contribution to the cumulative traffic congestion impact at the Anderson Road and Highway 46 intersection, the applicant would be required to submit funds to "Templeton Area Road Improvement Fee" and "Highway 46 Fee" programs. These fees are utilized to improve roads, intersections, and levels of service of circulation systems in the Templeton area, including the project area. No other traffic-related mitigation measures are necessary.

<b>13. WASTEWATER - Will the project:</b>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
a) <b>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <b>Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <b>Adversely affect community wastewater service provider?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <b>Other _____</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** Based on Natural Resource Conservation Service (NRCS) Soil Survey map, the soil types mapped for the site are Gazos shaly clay loam and Lockwood shaly loam. The applicant is proposing to construct wastewater treatment systems within the Gazos shaly clay loam. Based on information provided by the applicant, the average domestic wastewater flow per day with a maximum of two full time employees and an average of 30 visitors per day is 250 gallons/day (November 19, 2001). Domestic wastewater will be treated in a septic tank and leach field.

The winery processing operation is anticipated to generate up to 1,000 gallons/day during peak day crush flow. The applicant is proposing a separate system to treat and manage winery process wastewater; this system includes initial screening, a 148.0-cubic yard storage and evaporation pond, surface aerator treatment, irrigation disposal, and solids management.

**Impacts.** Based on the NRCS Soil Survey, the main limitation(s) of this soil for wastewater effluent include: steep slopes, poor filtering characteristics, and shallow depth to bedrock.

Steep Slopes. This characteristic indicates that portions of the soil unit may contain slopes steep enough to result in potential daylighting of wastewater effluent.

Slow Percolation. This characteristic indicates that fluids may 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 needs to be between 30 and 120 minutes per inch.

Shallow Depth to Bedrock. This characteristic 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.

The proposed project was referred to the San Luis Obispo County Department of Environmental Health. In addition to final approval of septic system leach field and wastewater pond design by the County

Department of Environmental Health, the applicant is required to apply for the Regional Water Quality Control Board "Form 200" Application/Report of Waste Discharge General Information Form for NPDES Permits and Waste Discharge Requirements.

**Mitigation/Conclusion.** To mitigate for potential wastewater impacts resulting from adverse soil characteristics, the applicant has agreed to submit additional information including a slope analysis, percolation tests, and soil borings data verifying that a standard leach field would adequately serve the proposed project. If a standard system is not adequate, the applicant shall submit plans for an engineered system designed to mitigate for the soil limitations and conform with the Basin Plan requirements. Prior to construction of the wastewater pond, the applicant shall be required to submit plans for the review and approval of the County Department of Public Works and Regional Water Quality Control Board (RWQCB) and obtain a wastewater discharge permit from the RWQCB. Implementation of these measures and permit conditions would reduce wastewater impacts to a level of insignificance.

14. WATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <b>Violate any water quality standards?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <b>Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <b>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <b>Change the quantity or movement of available surface or ground water?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <b>Adversely affect community water service provider?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <b>Other _____</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### Setting/Impact.

**Water Usage.** Water would be provided for by an on-site well for the proposed project. The water source is the Paso Robles groundwater basin. The *Annual Resource Summary Report (2002)* states that there is no recommended level of severity for this basin; therefore projected water demand would not exceed water supply. The applicant estimates that the maximum water supply demand during peak flow would be approximately 1,135 gallons per day. The applicant plans to re-use tertiary treated wastewater for irrigation purposes, eventually returning a portion of the processed water to the groundwater table. Based on the existing available water source and number of tributaries and creeks in the vicinity of the proposed project, no impacts to water supply are anticipated.

**Surface Water.** One seasonally intermittent drainage and one ephemeral drainage are located on the project parcel within the area proposed for disturbance. The topography of the site ranges from gently to moderately sloping. Drainage, erosion, sedimentation, and pollution discharge control measures are required for the proposed project and will provide sufficient measures to adequately protect surface water quality (refer to Sections 4 and 6 of this document). No additional measures are considered necessary and potential water quality impacts are either insignificant or will be reduced to less than significant levels.

**Mitigation/Conclusion.** To assure that adequate water will be available for the proposed development, the project will be subject to County's Title 19 (Building and Construction Ordinance, Sec. 19.20.238), which states that no grading or building permit shall be issued until either the water purveyor provides a written statement that potable water service will be provided (community systems), or an on-site well is installed, tested and certified to meet minimum capacity requirements and Health Department approval. These measures, along with the previously discussed sedimentation and erosion control measures (refer to Sections 4 and 6) would adequately mitigate impacts to water quality to a level of insignificance.

<b>15. LAND USE -</b>	<b>Will the project:</b>	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a)	<b><i>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?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	<b><i>Be potentially inconsistent with any habitat or community conservation plan?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	<b><i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	<b><i>Be potentially incompatible with surrounding land uses?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	<b><i>Other _____</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** 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, Adelaida Area Plan). The project was found to be consistent with these documents. Referrals were sent to several agencies to review for various policy consistencies including the County of San Luis Obispo Departments of Environmental Health, Public Works, Agricultural Commissioner, and Fire Department/California Department of Forestry, Templeton Advisory Group, and the California Department of Transportation. These agencies did not indicate any inconsistencies with existing policies or plans. The applicant will obtain all required permits and approvals from County Fire, Environmental Health, and the Regional Water Quality Control Board prior to construction or operation.

The surrounding uses are as follows: North - dry farmed grains, livestock grazing; East - Anderson Road, dry farmed grains, vineyards, wineries; South - Highway 46, dry farmed grains, livestock grazing; and, West - dry farmed grains, livestock grazing. The proposed project is compatible with these surrounding uses because the applicant is proposing a winery and vineyards. No inconsistencies were identified and therefore no additional measures above what will already be required were determined necessary.

<b>16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:</b>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <b><i>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,</i></b>				

**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 prehistory?**                       

**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 project's, 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.slocoplanbldg.com" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env\_law/ceqa/guidelines/" for information about the California Environmental Quality Act.

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**Exhibit A - Initial Study References and Agency Contacts**

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

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	Attached
<input checked="" type="checkbox"/>	County Environmental Health Division	Attached
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	Attached
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input type="checkbox"/>	Air Pollution Control District	Not Applicable
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input type="checkbox"/>	CA Department of Fish and Game	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Forestry	Attached
<input checked="" type="checkbox"/>	CA Department of Transportation	Attached
<input type="checkbox"/>	_____ Community Service District	Not Applicable
<input checked="" type="checkbox"/>	Templeton Advisory Group	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.

<input checked="" type="checkbox"/> Project File for the Subject Application	<input checked="" type="checkbox"/> Adelaida Area Plan and Update EIR
<u>County documents</u>	<input type="checkbox"/> _____ Circulation Study
<input type="checkbox"/> Airport Land Use Plans	<u>Other documents</u>
<input checked="" type="checkbox"/> Annual Resource Summary Report	<input checked="" type="checkbox"/> Archaeological Resources Map
<input type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Area of Critical Concerns Map
<input type="checkbox"/> Coastal Policies	<input checked="" type="checkbox"/> Areas of Special Biological Importance Map
<input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland)	<input checked="" type="checkbox"/> California Natural Species Diversity Database
<input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:	<input checked="" type="checkbox"/> Clean Air Plan
<input checked="" type="checkbox"/> Agriculture & Open Space Element	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input checked="" type="checkbox"/> Energy Element	<input checked="" type="checkbox"/> Flood Hazard Maps
<input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements)	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for San Luis Obispo County
<input checked="" type="checkbox"/> Housing Element	<input checked="" type="checkbox"/> Regional Transportation Plan
<input checked="" type="checkbox"/> Noise Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input type="checkbox"/> Parks & Recreation Element	<input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin - Region 3)
<input checked="" type="checkbox"/> Safety Element	<input type="checkbox"/> Other _____
<input checked="" type="checkbox"/> Land Use Ordinance	<input type="checkbox"/> Other _____
<input type="checkbox"/> Real Property Division Ordinance	
<input checked="" type="checkbox"/> Trails Plan	
<input type="checkbox"/> Solid Waste Management Plan	

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

Carr, Robert C. December 2002. *Visual Impact Assessment of the Proposed Braveheart Winery.*

## Exhibit B - Mitigation Summary Table

### Aesthetics

- V-1 Prior to issuance of construction permits, the applicant shall submit architectural elevations to the Department of Planning and Building for review and approval. The elevations shall show exterior finish materials and colors, as follows:
- 1) Exterior wall and trim colors of structures shall be limited to dark muted earth-tones. Exterior colors shall be no brighter than 6 in chroma and value on the Munsell Color Scale on file in the County Department of Planning and Building.
  - 2) Roof colors of structures shall be limited to deep earth tones, deep muted greens, browns and grays and no brighter than 6 in chroma and value on the Munsell Color Scale on file in the County Department of Planning and Building.
  - 3) No reflective coatings shall be used on widows facing the south, southwest or toward Highway 46.
- V-2 Prior to issuance of construction permits, the applicant shall submit revised landscape plans to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The plans shall include native evergreen plants along the access road and in the vicinity of the proposed winery and tasting room, within the areas shown on the Mitigation Concept Map of the Visual Impact Assessment prepared by Robert G. Carr (December 2002). No palm trees or Italian cypress shall be included in the plans. The landscape plan shall be prepared by a professional qualified in the successful design of native plantings. Additional planting may occur outside of the identified mitigation planting areas.
- 1) Locations identified as "Tree Planting Areas" shall include native evergreen trees capable of growing to a minimum height of 30 feet tall and shall include at least 50 percent coast live oak (*Quercus agrifolia*) species. The maximum number of trees possible shall be planted within the area shown on the Mitigation Concept Map, planted at between 10 and 20-foot on-center spacing. Trees shall be planted from a minimum 15-gallon container size.
  - 2) Locations identified as "Shrub Planting Areas" shall include native evergreen shrubs which are capable of growing to a minimum height of 4 feet. Shrubs shall be planted to create a solid visual screen as seen from Highway 46 and planted from a minimum five-gallon container size.
  - 3) Plants within the mitigation planting areas shall be installed in random-appearing patterns. Mitigation trees and shrubs shall be maintained until fully established. Mitigation trees and shrubs which die shall be replaced.
- V-4 Prior to issuance of construction permits, the applicant shall submit a bond to the County of San Luis Obispo for an amount determined by the County to be sufficient to cover the estimated cost of planting and establishing the equivalent of the total number of trees and shrubs included in the Mitigation Concept Plan, as shown on the Landscape Plan. The bond shall be held for a minimum of five years to ensure the successful establishment and maintenance of the mitigation planting.

- V-5 Prior to final occupancy, the Landscape Plan shall be implemented, and the applicant shall provide a letter or other sufficient evidence to the County of San Luis Obispo Environmental Coordinator for approval demonstrating that the applicant has entered into a contract with a qualified professional for the purpose of monitoring the success of the mitigation planting area. The monitoring contract shall include a requirement that the monitor conduct at a minimum an annual site visit and assessment of the planting success for five years. At the end of the five- year monitoring period, the monitoring report shall be submitted to the County Environmental Coordinator for approval and shall be used as a determining factor in assessing the successful establishment of the planting as it relates to the bond posted by the applicant.
- V-6 Prior to issuance of construction permits, the applicant shall submit site plans to the Department of Planning and Building for review and approval. The plans shall show vineyards planted at locations indicated on the Mitigation Concept Map of the Visual Impact Assessment prepared by Robert G. Carr (December 2002) to help screen the access road from views from Highway 46. Vineyards may also be planted outside of the areas shown on the Mitigation Concept Map.
- V-7 Prior to issuance of grading permit, the applicant shall submit revised grading plans to the Department of Planning and Building for review and approval. The plans shall include slope-rounding and contour grading for all slopes to create a more natural appearing landform.
- V-8 Prior to issuance of construction permits, the applicant shall submit a site plan and architectural elevations of the water tank to the Department of Planning and Building for review and approval. The elevations shall show location, form, dimensions, exterior finish materials and colors, as follows:
- 1) The water tank shall be located as shown on the Mitigation Concept Map of the Visual Impact Assessment prepared by Robert G. Carr (December 2002).
  - 2) Maximum height of the water tank shall be 15 feet above natural grade.
  - 3) The water tank color shall be either black or deep muted green, brown or gray and no brighter than 6 in chroma and value on the Munsell Color Scale on file in the County Department of Planning and Building.
  - 4) Cut and fill slopes required to install the water tank shall not exceed 2.0 feet in height.
  - 5) The water tank shall not silhouette above trees into the skyline.
- V-9 Prior to issuance of construction permits, the applicant shall submit an exterior lighting plan for review and approval by the Department of Planning and Building which includes the following:
- 1) Direct views of all exterior lighting sources shall be shielded from view from Highway 46.
  - 2) Exterior lighting shall be designed to not focus illumination onto exterior walls.
  - 3) Any security lighting installed on the property shall be equipped with motion detectors to prevent the illumination from remaining on.

- 4) "White" colored light shall not be used for exterior lighting.
- 5) If access road lighting is proposed, the luminaires shall be a shielded "bollard-type" and shall be a maximum of 3 feet above the ground.

- V-10 Winery related materials stored out of doors shall be screened by solid fencing and shall not be higher than the associated solid fence screening, unless the storage area is not visible from Highway 46.
- V-11 Prior to issuance of grading permit, the applicant shall install protective fencing under the driplines of the existing coast live and white oak trees located adjacent the proposed building and watertank locations. The protective fencing shall be at least 4.0 feet high, bright, and shall remain in place until final inspection.
- V-12 During operation of the development, no site disturbance, including but not limited to, placement of benches, planting of grass, watering, or paths shall be allowed within the driplines of the seven coast live oak trees and one white oak tree located within 60.0 feet of the proposed winery facility and visitor's center.

#### Air Quality

AQ-1 Prior to issuance of grading permit, the following measures shall be shown on the grading and building plans. The measure shall be implemented during grading and construction activities. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.

- 1) Reduce the amount of disturbed area where possible;
- 2) Use water trucks or sprinkler systems in sufficient quantity to prevent airborne dust from leaving the site. Increased watering frequency will be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- 3) All dirt stockpile areas should be sprayed daily as needed;
- 4) Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities;
- 5) Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating native grass seed and watered until vegetation is established;
- 6) All disturbed soil areas not subject to revegetation must be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by APCD;
- 7) All roadways, driveways, sidewalks, etc to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;

- 8) Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- 9) All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114;
- 10) Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site; and
- 11) Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

### Biological Resources

- BR-1 Prior to final inspection, the applicant shall replace, at a 2:1 ratio, the thirteen (13) coast live (*Quercus agrifolia*) and five (5) white oak (*Quercus alba*) trees which will be impacted as a result of grading, for a total of twenty-six (26) coast live and ten (10) white oak trees.

Replacement trees shall be from in-kind one-gallon or larger container sizes. All newly planted oak trees shall be maintained until successfully established. This shall include caging from animals (e.g., deer and rodents), periodic weeding and adequate watering (e.g., drip-irrigation system). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used. All trees shall be tagged and numbered for future monitoring.

Once trees have been planted and prior to final inspection of grading permits, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryperson, botanist) to prepare a letter stating the above planting and protection measures have been completed. This letter shall be submitted to the Department of Planning and Building.

- BR-2 Prior to issuance of grading permit, to promote the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/contractor, nurseryperson) to monitor the new trees until successfully established, on an annual basis, for no less than three years. The first report shall be submitted to the Department of Planning and Building one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the newly planted vegetation is successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report and approved by the Department of Planning and Building.

- BR-3 Prior to issuance of grading and construction permits, the applicant shall submit a drainage protection and restoration plan prepared by a qualified biologist. Drainage restoration areas shall be located on the project parcel and shall equate or exceed the area impacted by the proposed drainage realignment and culvert installations. The entire realigned segment of the ephemeral drainage shall be restored. A compatible native seed mix and cuttings of site appropriate species shall be used to revegetate the disturbed areas.

- BR-4 Prior to final occupancy and when all plant restoration work has been completed, the applicant shall notify the Department of Planning and Building for a verification inspection.

- BR-5 Prior to issuance of grading and construction permits, the "project limits" shall be clearly delineated on all construction plans, along with locations of sturdy, high-visibility fencing to be installed in the field to protect drainage areas not to be disturbed, unless otherwise determined by the resource agencies. No construction (including storage of materials) shall occur outside of the "project limits".
- BR-6 During the rainy season (October 15 through May 15), project grading and construction activities shall not occur within 100.0 feet of either drainage unless erosion, sedimentation and pollution prevention measures are fully in place.
- BR-7 Prior to issuance of grading permits, the applicant shall apply for and submit copies of permits from the following agencies (or paperwork received by the appropriate jurisdiction stating that a permit is not required):
- 1) U.S. Army Corps of Engineers;
  - 2) California Department of Fish and Game; and,
  - 3) Regional Water Quality Control Board.

#### Geology and Soils

- GS-1 Prior to issuance of grading permit, the applicant shall submit a drainage, sedimentation and erosion control plan prepared and signed by a Registered Civil Engineer. The plan shall meet the requirements of Land Use Ordinance (LUO) 22.05.034 and 22.05.082(a) and shall be approved by the Division of Environmental and Resource Management in consultation with the Public Works Department. The plan shall be incorporated into the drainage protection and restoration plan.
- GS-2 Prior to issuance of grading permit, the applicant shall prepare a Best Management and Pollution Prevention Practices Plan for the review and approval of the Environmental Coordinator in consultation with the California Department of Fish and Game, Regional Water Quality Control Board, and U.S. Army Corps of Engineers (if required by these resource agencies). This Plan shall be integrated with the required drainage protection plan and shall outline proposed BMPs to control erosion and prevent sedimentation from entering the creeks and tributaries, methods to prevent accidental spills, and a proposed clean-up plan.
- GS-3 Prior to issuance of grading and building permits, the applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) and submit to the State Water Quality Control Board (SWQCB). The applicant shall provide proof of SWQCB Storm Water Permit or documentation from the SWQCB stating that a permit is not necessary.

#### Wastewater

- WW-1 Prior to issuance of a building permit, a registered civil engineer familiar with wastewater systems, shall prepare an analysis that shows the location of the leach lines will have no potential for daylighting of effluent.
- WW-2 Prior to issuance of a building permit, the applicant shall submit one of the following:
- 1) A soils report showing that the percolation tests resulted in rates adequate for a standard septic leach field system; or,

- 2) Plans for an engineered septic system of an acceptable design to the Department of Public Works and Regional Water Quality Control Board.

- WW-3 Prior to building permit issuance and leach line installation, soil borings shall be taken to verify that adequate separation exists. If adequate separation is not achieved, an engineered system shall be designed and installed to conform to Basin Plan requirements.
- WW-4 All wash water shall be controlled such that it cannot enter any stream or other surface water body. Winery process liquid waste generated by future winery operations must be discharged to an approved septic system or other wastewater system approved by the Regional Water Quality Control Board, with no such waste material discharged to the ground surface or otherwise allowed to any stream or other surface water body.
- WW-5 Solid winery waste (pomace), if any, generated by the winery operation shall be composted on-site and disced into the vineyard, or transported off-site and disposed of in a manner that will not result in the degradation of surface or groundwater.
- WW-6 Liquid waste generated by the winery operations must be discharged to a separate wastewater system designed by a civil engineer with expertise in the design of winery wastewater systems and approved by the County Building Official or Regional Water Quality Control Board. Such system shall not create offensive odors or materially impair the quality of groundwater for domestic or agricultural use.
- 1) Prior to discharge of winery wastewater in excess of 2,500 gallons per day, the applicant shall obtain approval and/or permits from the Regional Water Quality Control Board. In no case shall winery wastewater be discharged into a stream or other surface water.
- WW-7 Prior to operation of the winery and the tasting room, the applicant shall obtain the appropriate Health Department permits. The Health Department will require the following information:
- 1) Anticipated amount of wastewater discharge from production and domestic waste;
  - 2) The location of water well(s) in relation to wastewater discharge area(s);
  - 3) Operational plans for pomace and solid waste disposal; and
  - 4) A vector control plan addressing insect and rodent control.
- WW-8 Solid waste by the winery shall be transported off-site for disposal in a manner that will not result in the degradation of any surface or groundwater.
- WW-9 Prior to issuance of building permits, the applicant shall submit copies of wastewater discharge permits or approvals from the Regional Water Quality Control Board.

**DEVELOPER'S STATEMENT FOR THE  
ROBAK MINOR USE PERMIT; D010060P**

The applicant agrees to incorporate the following measures into the project. These measures become a part to the project description and therefore become a part of the record of action upon which the environmental determination is based. All construction/grading 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.

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

**AESTHETICS**

**V-1** Prior to issuance of construction permits, the applicant shall submit architectural elevations to the Department of Planning and Building for review and approval. The elevations shall show exterior finish materials and colors, as follows:

- 1) Exterior wall and trim colors of structures shall be limited to dark muted earth-tones. Exterior colors shall be no brighter than 6 in chroma and value on the Munsell Color Scale on file in the County Department of Planning and Building.
- 2) Roof colors of structures shall be limited to deep earth tones, deep muted greens, browns and grays and no brighter than 6 in chroma and value on the Munsell Color Scale on file in the County Department of Planning and Building.
- 3) No reflective coatings shall be used on widows facing the south, southwest or toward Highway 46.

**Monitoring:** The Department of Planning and Building, in consultation with the Division of Environmental and Resource Management shall review and approve the proposed colors and materials presented on the elevations, and shall verify compliance with the approved plans.

**V-2** Prior to issuance of construction permits, the applicant shall submit revised landscape plans to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The plans shall include native evergreen plants along the access road and in the vicinity of the proposed winery and tasting room, within the areas shown on the Mitigation Concept Map of the *Visual Impact Assessment* prepared by Robert G. Carr (December 2002). No palm trees or Italian cypress shall be included in the plans. The landscape plan shall be prepared by a professional qualified in the successful design of native plantings. Additional planting may occur outside of the identified mitigation planting areas.

- 1) Locations identified as "Tree Planting Areas" shall include native evergreen trees capable of growing to a minimum height of 30 feet tall and shall include at least 50 percent coast live oak (*Quercus agrifolia*) species. The maximum number of trees possible shall be planted within the area shown on the Mitigation Concept Map, planted at between 10 and 20-foot on-center spacing. Trees shall be planted from a minimum 15-gallon container size.
- 2) Locations identified as "Shrub Planting Areas" shall include native evergreen shrubs which are capable of growing to a minimum height of 4 feet. Shrubs shall be planted to create a solid visual screen as seen from Highway 46 and planted from a minimum five-gallon container size.
- 3) Plants within the mitigation planting areas shall be installed in random-appearing patterns. Mitigation trees and shrubs shall be maintained until fully established. Mitigation trees and shrubs which die shall be replaced.

<p><b>Monitoring:</b> The Department of Planning and Building, in consultation with the Division of Environmental and Resource Management shall review and approve the proposed landscape plan, and shall verify compliance with the approved plans.</p>
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- V-4** **Prior to issuance of construction permits,** the applicant shall submit a bond to the County of San Luis Obispo for an amount determined by the County to be sufficient to cover the estimated cost of planting and establishing the equivalent of the total number of trees and shrubs included in the Mitigation Concept Plan, as shown on the Landscape Plan. The bond shall be held for a minimum of five years to ensure the successful establishment and maintenance of the mitigation planting.

<p><b>Monitoring:</b> The Department of Planning and Building, in consultation with the Division of Environmental and Resource Management shall verify receipt of landscaping bond.</p>
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- V-5** **Prior to final occupancy,** the Landscape Plan shall be implemented, and the applicant shall provide a letter or other sufficient evidence to the County of San Luis Obispo Environmental Coordinator for approval demonstrating that the applicant has entered into a contract with a qualified professional for the purpose of monitoring the success of the mitigation planting area. The monitoring contract shall include a requirement that the monitor conduct at a minimum an annual site visit and assessment of the planting success for five years. At the end of the five-year monitoring period, the monitoring report shall be submitted to the County Environmental Coordinator for approval and shall be used as a determining factor in assessing the successful establishment of the planting as it relates to the bond posted by the applicant.

<p><b>Monitoring:</b> The Division of Environmental and Resource Management shall verify receipt of contract letter and final monitoring report submitted by a County approved landscape architect, nurseryperson, or other qualified individual.</p>
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- V-6** **Prior to issuance of construction permits**, the applicant shall submit site plans to the Department of Planning and Building for review and approval. The plans shall show vineyards planted at locations indicated on the Mitigation Concept Map of the *Visual Impact Assessment* prepared by Robert G. Carr (December 2002) to help screen the access road from views from Highway 46. Vineyards may also be planted outside of the areas shown on the Mitigation Concept Map.

**Monitoring:** The Department of Planning and Building, in consultation with the Division of Environmental and Resource Management shall verify and approve required elements on plans.

- V-7** **Prior to issuance of grading permit**, the applicant shall submit revised grading plans to the Department of Planning and Building for review and approval. The plans shall include slope-rounding and contour grading for all slopes to create a more natural appearing landform.

**Monitoring:** The Department of Planning and Building, in consultation with the Division of Environmental and Resource Management shall verify and approve required elements on plans.

- V-8** **Prior to issuance of construction permits**, the applicant shall submit a site plan and architectural elevations of the water tank to the Department of Planning and Building for review and approval. The elevations shall show location, form, dimensions, exterior finish materials and colors, as follows:

- 1) The water tank shall be located as shown on the Mitigation Concept Map of the *Visual Impact Assessment* prepared by Robert G. Carr (December 2002).
- 2) Maximum height of the water tank shall be 15 feet above natural grade.
- 3) The water tank color shall be either black or deep muted green, brown or gray and no brighter than 6 in chroma and value on the Munsell Color Scale on file in the County Department of Planning and Building.
- 4) Cut and fill slopes required to install the water tank shall not exceed 2.0 feet in height.
- 5) The water tank shall not silhouette above trees into the skyline.

**Monitoring:** The Department of Planning and Building, in consultation with the Division of Environmental and Resource Management shall verify and approve required elements on site plan and elevations.

- V-9** **Prior to issuance of construction permits**, the applicant shall submit an exterior lighting plan for review and approval by the Department of Planning and Building which includes the following:

- 1) Direct views of all exterior lighting sources shall be shielded from view from Highway 46.

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- 2) Exterior lighting shall be designed to not focus illumination onto exterior walls.
- 3) Any security lighting installed on the property shall be equipped with motion detectors to prevent the illumination from remaining on.
- 4) "White" colored light shall not be used for exterior lighting.
- 5) If access road lighting is proposed, the luminaires shall be a shielded "bollard-type" and shall be a maximum of 3 feet above the ground.

**Monitoring:** The Department of Planning and Building, in consultation with the Division of Environmental and Resource Management shall verify and approve required elements on lighting plan.

- V-10** Winery related materials stored out of doors shall be screened by solid fencing and shall not be higher than the associated solid fence screening, unless the storage area is not visible from Highway 46.

**Monitoring:** The Department of Planning and Building shall enforce compliance.

- V-11** **Prior to issuance of grading permit**, the applicant shall install protective fencing under the driplines of the existing coast live and white oak trees located adjacent the proposed building and watertank locations. The protective fencing shall be at least 4.0 feet high, bright, and shall remain in place until final inspection.

**Monitoring:** The Department of Planning and Building shall enforce compliance.

- V-12** **During operation of the development**, no site disturbance, including but not limited to, placement of benches, planting of grass, watering, or paths shall be allowed within the driplines of the seven coast live oak trees and one white oak tree located within 60.0 feet of the proposed winery facility and visitor's center.

**Monitoring:** The Department of Planning and Building shall enforce compliance.

## AIR QUALITY

- AQ-1** **Prior to issuance of grading permit**, the following measures shall be shown on the grading and building plans. The measure shall be implemented during grading and construction activities. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.

- 1) Reduce the amount of disturbed area where possible;

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- 2) Use water trucks or sprinkler systems in sufficient quantity to prevent airborne dust from leaving the site. Increased watering frequency will be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- 3) All dirt stockpile areas should be sprayed daily as needed;
- 4) Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities;
- 5) Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating native grass seed and watered until vegetation is established;
- 6) All disturbed soil areas not subject to revegetation must be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by APCD;
- 7) All roadways, driveways, sidewalks, etc to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- 8) Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- 9) All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114;
- 10) Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site; and,
- 11) Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

**Monitoring:** Compliance will be verified by the Department of Planning and Building, in consultation with the APCD.

## **BIOLOGICAL RESOURCES**

**BR-1** **Prior to final inspection**, the applicant shall replace, at a 2:1 ratio, the thirteen (13) coast live (*Quercus agrifolia*) and five (5) white oak (*Quercus alba*) trees which will be impacted as a result of grading, for a total of twenty-six (26) coast live and ten (10) white oak trees.

Replacement trees shall be from in-kind one-gallon or larger container sizes. All newly planted oak trees shall be maintained until successfully established. This shall include caging from animals (e.g., deer and rodents), periodic weeding and adequate watering (e.g., drip-irrigation system). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used. All trees shall be tagged and numbered for future monitoring.

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Once trees have been planted and prior to final inspection of grading permits, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryperson, botanist) to prepare a letter stating the above planting and protection measures have been completed. This letter shall be submitted to the Department of Planning and Building.

**Monitoring:** The Department of Planning and Building, in consultation with the Division of Environmental and Resource Management, shall verify compliance. The Department of Planning and Building shall verify receipt of the letter stating the completion of planting and protection measures.

- BR-2** **Prior to issuance of grading permit,** to promote the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/contractor, nurseryperson) to monitor the new trees until successfully established, on an annual basis, for no less than three years. The first report shall be submitted to the Department of Planning and Building one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the success criteria have been achieved or the newly planted vegetation is successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report and approved by the Department of Planning and Building.

**Monitoring:** The Department of Planning and Building, in consultation with the Division of Environmental and Resource Management, shall verify compliance. The Department of Planning and Building shall verify receipt of the monitoring reports.

- BR-3** **Prior to issuance of grading and construction permits,** the applicant shall submit a drainage protection and restoration plan prepared by a qualified biologist. Drainage restoration areas shall be located on the project parcel and shall equate or exceed the area impacted by the proposed drainage realignment and culvert installations. The entire realigned segment of the ephemeral drainage shall be restored. A compatible native seed mix and cuttings of site appropriate species shall be used to revegetate the disturbed areas.

**Monitoring:** The Department of Planning and Building, in consultation with the Division of Environmental and Resource Management, California Department of Fish and Game, Regional Water Quality Control Board, and U.S. Army Corps of Engineers, shall verify compliance.

- BR-4** **Prior to final occupancy and when all plant restoration work has been completed,** the applicant shall notify the Department of Planning and Building for a verification inspection.

**Monitoring:** The Department of Planning and Building, in consultation with the Division of Environmental and Resource Management shall perform the verification inspection and enforce compliance.

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- BR-5** Prior to issuance of grading and construction permits, the "project limits" shall be clearly delineated on all construction plans, along with locations of sturdy, high-visibility fencing to be installed in the field to protect drainage areas not to be disturbed, unless otherwise determined by the resource agencies. No construction (including storage of materials) shall occur outside of the "project limits".

**Monitoring:** Compliance will be verified by the Department of Planning and Building in consultation with the Division of Environmental and Resource Management. The Department of Planning and Building shall verify inclusion of required elements on plans.

- BR-6** During the rainy season (October 15 through May 15), project grading and construction activities shall not occur within 100.0 feet of either drainage unless erosion, sedimentation and pollution prevention measures are fully in place.

**Monitoring:** Compliance will be verified by the Department of Planning and Building in consultation with the Division of Environmental and Resource Management.

- BR-7** Prior to issuance of grading permits, the applicant shall apply for and submit copies of permits from the following agencies (or paperwork received by the appropriate jurisdiction stating that a permit is not required):

- 1) U.S. Army Corps of Engineers;
- 2) California Department of Fish and Game; and,
- 3) Regional Water Quality Control Board.

**Monitoring:** The Department of Planning and Building, in consultation with the Division of Environmental and Resource Management, shall verify receipt of appropriate permits and/or paperwork.

## **GEOLOGY AND SOILS**

- GS-1** Prior to issuance of grading permit, the applicant shall submit a drainage, sedimentation and erosion control plan prepared and signed by a Registered Civil Engineer. The plan shall meet the requirements of Land Use Ordinance (LUO) 22.05.034 and 22.05.082(a) and shall be approved by the Division of Environmental and Resource Management in consultation with the Public Works Department. The plan shall be incorporated into the drainage protection and restoration plan.

**Monitoring:** The Department of Planning and Building/Division of Environmental and Resource Management, in consultation with the Department of Public Works shall review and approve all required plans.

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- GS-2** Prior to issuance of grading permit, the applicant shall prepare a Best Management and Pollution Prevention Practices Plan for the review and approval of the Environmental Coordinator in consultation with the California Department of Fish and Game, Regional Water Quality Control Board, and U.S. Army Corps of Engineers (if required by these resource agencies). This Plan shall be integrated with the required drainage protection plan and shall outline proposed BMPs to control erosion and prevent sedimentation from entering the creeks and tributaries, methods to prevent accidental spills, and a proposed clean-up plan.

**Monitoring:** The Department of Planning and Building/Division of Environmental and Resource Management, in consultation with the Department of Public Works shall review and approve all required plans.

- GS-3** Prior to issuance of grading and building permits, the applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) and submit to the State Water Quality Control Board (SWQCB). The applicant shall provide proof of SWQCB Storm Water Permit or documentation from the SWQCB stating that a permit is not necessary.

**Monitoring:** The Department of Planning and Building, in consultation with the Division of Environmental and Resource Management, shall verify receipt of appropriate permits and/or paperwork.

## WASTEWATER

- WW-1** Prior to issuance of a building permit, a registered civil engineer familiar with wastewater systems, shall prepare an analysis that shows the location of the leach lines will have no potential for daylighting of effluent.

**Monitoring:** The Department of Planning and Building shall review and approve required analysis

- WW-2** Prior to issuance of a building permit, the applicant shall submit one of the following:

- 1) A soils report showing that the percolation tests resulted in rates adequate for a standard septic leach field system; or,
- 2) Plans for an engineered septic system of an acceptable design to the Department of Public Works and Regional Water Quality Control Board.

**Monitoring:** The Department of Planning and Building shall review and approve required tests and/or plans in consultation with the Department of Public Works and Regional Water Quality Control Board.

- WW-3** Prior to building permit issuance and leach line installation, soil borings shall be taken to verify that adequate separation exists. If adequate separation is not achieved, an engineered system shall be designed and installed to conform to Basin Plan requirements.

**Monitoring:** The Department of Planning and Building shall review and approve required analysis

- WW-4** All wash water shall be controlled such that it cannot enter any stream or other surface water body. Winery process liquid waste generated by future winery operations must be discharged to an approved septic system or other wastewater system approved by the Regional Water Quality Control Board, with no such waste material discharged to the ground surface or otherwise allowed to enter any stream or other surface water body.

**Monitoring:** Compliance will be verified by the Department of Planning and Building in consultation with the Regional Water Quality Control Board.

- WW-5** Solid winery waste (pomace), if any, generated by the winery operation shall be composted on-site and disced into the vineyard, or transported off-site and disposed of in a manner that will not result in the degradation of surface or groundwater.

**Monitoring:** Compliance will be verified by the Department of Planning and Building in consultation with the Regional Water Quality Control Board.

- WW-6** Liquid waste generated by the winery operations must be discharged to a separate wastewater system designed by a civil engineer with expertise in the design of winery wastewater systems and approved by the County Building Official or Regional Water Quality Control Board. Such system shall not create offensive odors or materially impair the quality of groundwater for domestic or agricultural use.

- 1) **Prior to discharge of winery wastewater in excess of 2,500 gallons per day, the applicant shall obtain approval and/or permits from the Regional Water Quality Control Board. In no case shall winery wastewater be discharged into a stream or other surface water.**

**Monitoring:** Compliance will be verified by the Department of Planning and Building in consultation with the Regional Water Quality Control Board.

- WW-7** **Prior to operation of the winery and the tasting room, the applicant shall obtain the appropriate Health Department permits. The Health Department will require the following information:**

- 1) Anticipated amount of wastewater discharge from production and domestic waste;
- 2) The location of water well(s) in relation to wastewater discharge area(s);
- 3) Operational plans for pomace and solid waste disposal; and
- 4) A vector control plan addressing insect and rodent control.

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**Monitoring:** Compliance will be verified by the Department of Planning and Building in consultation with the Department of Environmental Health.

**WW-8** Solid waste by the winery shall be transported off-site for disposal in a manner that will not result in the degradation of any surface or groundwater.

**Monitoring:** Compliance will be verified by the Department of Planning and Building in consultation with the Department of Environmental Health.

**WW-9** Prior to final inspection, the applicant shall provide a copy of the Wastewater Discharge Permit issued by the Regional Water Quality Control Board allowing the installation of the proposed constructed wetlands wastewater treatment system.

**Monitoring:** Compliance will be verified by the Department of Planning and Building in consultation with the Regional Water Quality Control Board.

*The applicant understands that any changes made to the project 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.*

  
\_\_\_\_\_  
Signature of Owner(s)

3/25/03  
\_\_\_\_\_  
Date

Tom ROBAK  
\_\_\_\_\_  
Name (Print)



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

AUG 24 2001 COUNTY OF SAN LUIS OBISPO DEPARTMENT OF PUBLIC WORKS

VICTOR HOLANDA, AICP DIRECTOR

BRYCE TINGLE, AICP ASSISTANT DIRECTOR

ELLEN CARROLL ENVIRONMENTAL COORDINATOR

FORREST WERMUTH CHIEF BUILDING OFFICIAL

THIS IS A NEW PROJECT REFERRAL

DATE: 8/24/01

FROM: Pub Works

FROM: North Coast Team Probak / DO100609 Project Name and Number

Development Review Section (Phone 781-5183)

PROJECT DESCRIPTION: Winery and Yachting area

Return this letter with your comments attached no later than: 9/7/01

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

- YES (Please go on to Part II)
NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

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

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

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 INDICATE OR CALL

Recommend approval - referral to Cal Trans? REALIGNED CREEK will require grading, erosion control plan & TEMPORARY road Fees and HWY 46 Fees will be due.

7 SEPT 2001 Date Goodwin Name 5252 Phone



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

RECEIVED

SEP 11 2001

VICTOR HOLANDA, AICP DIRECTOR

Planning & Bldg

BRYCE TINGLE, AICP ASSISTANT DIRECTOR

ELLEN CARROLL ENVIRONMENTAL COORDINATOR

FORREST WERMUTH CHIEF BUILDING OFFICIAL

THIS IS A NEW PROJECT REFERRAL

DATE: 8/24/01

TO: Env Health

FROM: North Coast Winery / Polak / DO100609

Project Name and Number

Development Review Section (Phone 781-5183)

PROJECT DESCRIPTION: Winery and Tasting Room

Return this letter with your comments attached no later than: 9/7/01

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

YES (Please go on to Part II)

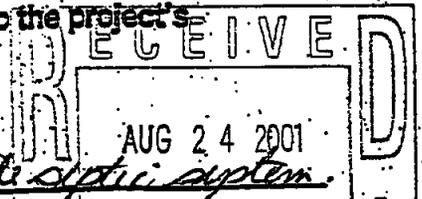
NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

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

NO (Please go on to Part III)

YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

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 INDICATE OR CALL



Provide stock conditions for individual wells and on-site septic system. Need to know number of employees, how many cases of wine produced, with wine tasting will food be prepared? social events? wine maker dinners? Anticipated amount of wastewater discharge from production & domestic sources? What is proposed for

9-7-01 Laurie Sel...

5551 Phone

the pomace and solid waste disposal?



COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

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

RICHARD D. GREEK

AGRICULTURAL COMMISSIONER/SEALER

(805) 781-5910

FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

November 5, 2001

TO: North County Team, Planning Department

FROM: John Warrick, Environmental Specialist

SUBJECT: Robak MUP/ D010060P

RECEIVED  
NOV 08 2001  
Planning & Bldg

**Introduction**

The following report responds to your request for comments on the Robak Minor Use Permit application for construction of Braveheart Winery, tasting room, and associated accessory use facilities in Paso Robles. Agriculture Department staff conducted a site evaluation including a review of applicable aerial photographs, digital site images, land use and ownership maps, and soils information.

The comments and recommendations in our report are based on current departmental policy and agricultural policies contained within the Agriculture and Open Space Element (A&OSE) of the County General Plan, and the newly amended sections of Title 22 of the Land Use Ordinance (LUO) Relating to Wineries and Related Uses. These policies are in place to conserve agricultural resources, protect public health, safety, and welfare, while mitigating negative impacts of development to agriculture.

The Agriculture Department also reviews development proposals for potential impacts to agricultural resource using criteria presented in the California Environmental Quality Act (CEQA).

**Summary of Findings**

1. **A&OSE Policy 8.** We find that the Robak Winery project meets the intent of A&OSE Policy 8 relating to Intensive Agricultural Facilities. Specifically, since the winery production is estimated at 15,000 cases annually, approximately 230-250 tons of grapes will be purchased from local growers in order to meet production goals. Thus, the proposed winery will support the objective of sustainability of the local wine grape industry by providing processing capability for grapes grown in San Luis Obispo County.

3. **Land Use Ordinance Title 22, Relating to Wineries and Related Uses.** The amended sections of Title 22 of the Land Use Ordinance (LUO) Relating to Wineries and Related Uses introduce a clear and specific description of the relationship of the Accessory Uses to the Agricultural Uses.

**North County Team, Planning Department**

November 5, 2001

Page 2

The LUO states that,

**“Tasting rooms shall be clearly incidental, related and subordinate to the primary operation of the winery as a production facility.”**

When we reviewed the proportions of the project site devoted to different land uses, and compared the size of the proposed facility footprints, we find that the accessory use facilities (the hospitality/tasting room) appear appropriate in size and scale to the winery production facility. Thus, we find that the project meets the requirement that accessory uses are “incidental, related and subordinate” to the winery production facility.

However, the project will not meet other requirements specified in the LUO unless a waiver is issued as part of the project’s Minor Use Permit. Based on the applicant’s stated plans for the size and scope of Special Events involving up to 80 guests, six (6) times per year, the project as designed does not meet the requirements for a 200 foot building setback from the parcel boundaries for the hospitality/tasting room. Likewise, the LUO requires that such scheduled public events necessitate a minimum 20 acre site area requirement. The 15.42 acre site does not meet this standard. However, the amended LUO does allow waivers to be requested and issued under the project permit issued by the Planning and Building Department. As designed, however, the project does not meet the intent of all applicable sections of Title 22 of the LUO.

**4. California Environmental Quality Act (CEQA).** Lastly, we find that the project as revised, does not create any potential impacts to agricultural resource using criteria presented in the California Environmental Quality Act (CEQA). Impacts of concern include pressure exerted by a project for (1.) conversion of “prime farmland”, (2.) conversion of unique farmland, or (3.), conversion of farmland of statewide importance to non-agricultural uses. CEQA also requires a project to be assessed for conflicts with existing zoning for agricultural uses, or Williamson Act contracts. No such potential impacts or conflicts were identified during our review..

Likewise, the Agriculture Department concludes that this project presents no incompatibility issues for adjacent agricultural or residential property owners. The location of the proposed winery along Highway 46 west, near three other operating wineries, and the presence of adequate distance buffers separating the project from nearby residences, suggest that project incompatibility with adjacent agriculture is unlikely.

**Recommended Project Modifications or Mitigation**

We find that, based on the size and scope of Special Events proposed, the Robak Braveheart Winery project does not meet the minimum 200 foot distance setback requirement from the property boundaries, or the minimum 20 acre site area requirement specified in Title 22 of the LUO Relating to Wineries and Related Uses. Otherwise, we did not identify any issues of project incompatibility with existing agriculture or any threats to agriculturally important resources such as soils.

Please call 781-5914 with questions about this project review..

**Robak Braveheart Winery  
Land Use Project Review  
Page 1**

rev 10/25/01

**Project Specifics**

**Project Title/Project Type:** Robak, Minor Use Permit (MUP) D010060P

**Brief Project Description:** Construction of a winery and tasting room on a 15.42 acre parcel along Highway 46 West, Paso Robles.

**Project Address/Location:** Highway 46, West, Paso Robles, adjacent to Grey Wolf Winery.

**Landowner's Name:** Thomas and Charlotte Robak

**Applicant's Name:** (if different from landowner):

**Application Type:** Minor Use Permit

**APN Number(s):** 040-111-024

**Acreage(s):** 15.42 acres

**Current surrounding land uses for adjacent parcel(s).**

**North:** Ag, dry farmed grains **South:** Ag, dry farmed grains, **East:** Ag, dry farmed grains,  
**West:** Ag, dry farmed grains.

Winery Land Use Project Review  
Page 2

**A. Project Description**

**1. Project Objective:**(i.e. construct winery and tasting room, etc. Include description of Project Phases):

Construction of a winery and tasting room on a 15.42 acre parcel located on Highway 46 west, in Paso Robles.

Phase I will consist of 7,500 square feet of new construction consisting of the new winery production facility, crush pad/ barrel wash area, and case goods storage. A 4,275 square foot hospitality/tasting room facility with outdoor patio and administrative office is also included in Phase I. A total of 17 parking spaces are planned for use by tasting room visitors and permanent staff. An additional 40 parking spaces are planned to accommodate up to 80 guests attending an estimated six (6) special events per year.

A future Phase II winery expansion will consist of an additional 2,500 square feet of the production facility and an additional 5,000 square feet of case goods and barrel storage. This expansion will bring the total winery production facility footprint to 17,000 square feet. No expansion of the hospitality/tasting room is proposed and no additional parking spaces are planned.

a. **Square footage of proposed buildings:** 16,775 sq ft.                      % of site

b. **Square footage of proposed paving:** 22,000 sq ft.                      % of site

c. **(Total area of structures) + (paving):** 38,775 sq ft.                      % of site

d. **(Total area of structures + paving in sq. ft.) =**                      X 100% =                      % of  
site  
**(Total area of Project Parcel in sq. ft.)**

**2. Operational Details:** (i.e. Estimated winery production, tasting room hours, gift shop, winemaker dinners, etc.):

a. **Winery Production:** 15,000 cases/year.

b. **Origin of Wine Grapes Processed:** Grapes will be purchased from off-site producers. On-site production will be limited to 5 acres of vineyard. On-site vineyard not yet planted.

*Winery Land Use Project Review*  
Page 3.

**c. Pomace Disposal Plans:** A portion of the pomace will be returned to the 5 acre, on-site vineyard as a soil amendment. The remainder will be hauled off-site by a commercial composting firm.

**d. Number of Special Events/Year:** Six (6) special events per year with a maximum of 80 guests.

**e. Estimated Number of Guests:** Maximum of 80 guests per event.

**f. Parking Requirement (Number of Spaces @ 200 sq. ft. each):**

Staff:	4.5 spaces = 900 sq ft
Tasting Room/Hospitality:	12.5 spaces = 2500 sq ft
Special Events:	<u>40.0 spaces = 8000 sq ft</u>
<b>Total:</b>	<b>57.0 spaces = 11400 sq ft</b>

**B. Site Description and Agricultural Setting**

**1. Number of Parcels involved and Acreage:** 1 parcel; 15.42 acres.

**2. Land Use Classification(s) of parcel(s) involved:** Agriculture

**3. Physical appearance and features of the site:** N/A.

**4. Soils Characterization and assessment of Capability Class(es):** Approximately 60% of the soil on the property is Class VI *Gazos shaly clay loam (30 to 50% slopes)*. Most of the remaining soil is Class IV, *Gazos shaly clay loam (9 to 30 % slopes)* with a trace of the Class II *Lockwood shaly loam (0-2% slopes)* occurring on the level portion of the property adjacent to Highway 46. When irrigated, these soils are capable of supporting wine grapes.

**5. Production Agriculture activities on or in the vicinity of the project site (include production statistics if available):** The applicants propose planting an on-site 5 acre vineyard concurrent with winery development plan. Agricultural production on adjacent parcels consists of dry farmed grain and grain hay.

**6. Land Use patterns on parcels adjacent to the project site:** Agriculture.

Winery Land Use Project Review  
Page 4

**C. Project Consistency with County General Plan Policies/Ordinances**

**1. Conformance with A&OSE Policy 8 Guiding Ag Processing Facilities.**

**(a.) Is the winery an Ag Processing facility (an Intensive Agricultural Facility in the A&OSE) which supports commodity production, processing, packing, and transportation and helps to sustain the wine grape industry by providing local processing options for growers?**

-Yes. The applicant estimates that the proposed Robak Winery will provide a production capacity of approximately 15,000 cases/year. When planted, the on-site vineyard will comprise approximately 5 acres. In order to meet the stated wine production objectives, the winery operators will be required to purchase grapes from other growers. Assuming average yields of juice per ton of grapes crushed, the applicants will purchase approximately 230-250 tons of grapes annually. The proposed winery, therefore, appears to support the objective of sustainability of the local wine grape industry by providing processing capability for grapes grown in San Luis Obispo.

We conclude, therefore, that the project is consistent with the intent of A&OSE Policy 8 for Intensive Agricultural Facilities.

**2. Project Conformance with Land Use Ordinance (LUO) Relating to Wineries and Related Uses**

**a. Winery Tasting Rooms:**

**(1.) "Incidental and Secondary" Determination, (Section 22.08.042(d)(viii) of the LUO).**

**Per the LUO, "Tasting rooms shall be clearly incidental, related and subordinate to the primary operation of the winery as a production facility."**

-The following project attributes were reviewed in making the determination:

- (1.) The proportions of the project site devoted to various land uses,
  - (2.) A comparisons of the proposed facility footprints (square feet of new construction),
- and,
- (3.) The proposed volume of retail sales compared to the proposed winery production.

-**Figures 1-3** depict the proportions of the project site proposed for various land uses. Following this comparison and the other project attributes listed above, we have determined that the hospitality/tasting room appears to be incidental, related and subordinate to the winery production facility.

-Special Events are allowed under the LUO but are subject to certain conditions unless a waiver of the requirements is approved under the conditions of the Minor Use Permit

(MUP). These requirements will be addressed later in this review.

**(2.) Tasting Room Location.**

*Is the tasting room located within or no more than 200 feet from the winery facilities?*

Yes.

**(3.) Number of Tasting Rooms.**

*Is more than one tasting room proposed for the winery?*

No. One tasting room is proposed.

**b. Special Events\***

**(1.) Is the winery in a rural area and not planning public tours retail sales, special events\*?**

*-If "Yes,*

*the minimum setback from property boundaries is 100 feet.*

*the minimum distance to existing residence outside of applicant's ownership = 200 feet.*

No. See 2(b.) below.

**(2.) Is the winery in a rural area and planning public tours, retail sales, and/or special events\* involving 50 or more guests?**

*-If "Yes,"*

*the minimum setback from property boundaries is 200 feet.*

*the minimum distance to existing residence outside of applicant's ownership = 400 feet.*

The applicants plans six (6) special events per year involving about 80 guests. Thus, 200 foot the setback from the property boundary and the 400 foot distance to existing residence outside of the applicant's ownership apply, unless it is waived under the Minor Use Permit (MUP).

**(3.) Are six (6) or less Special Events for no more than 80 guests proposed per year?**

Yes. The applicant proposes exactly six (6) special events per year with no more than 80 guests.

**(4.) Permit Requirements apply based on the Special Events Planned.**

Based on the number and size of the Special Events proposed, a Minor Use Permit is required.

**(5.) Minimum Site Area Requirements based on the Special Events Planned.**

A minimum 20 acre site area is required for winery facilities proposing Special Events as defined in LUO Section 22.08.042(2)(xi). The 15.42 acre project site does not meet this minimum site area requirement. The applicant has requested a waiver as part of the

*Winery Land Use Project Review*  
 Page 6.

Minor Use Permit to be issued for the project.

*\*(Special Events are defined as any of the following events when there is the possibility that 50 or individuals will attend: concerts (with or without amplified sound), weddings, advertised events, fund raisers, winemaker dinners, but not industry events).*

**E. Potential Impacts to Agricultural Resources (required for CEQA review)**

**1. Agriculturally Productive Soils:**

Based on a review of the NRCS maps, approximately 60% of the soil on the property is Class VI soil. The remaining soil is predominantly Class IV, with a trace of the Class II occurring along the southwest boundary. This small patch of "prime soil" will be planted in vineyard and, therefore, the project as designed will not result in any loss of prime agricultural soils or the undesirable conversion of agricultural soils to non-agricultural land use.

**2. Agricultural Compatibility Impacts:**

Wineries are defined in the A&OSE as Intensive Agricultural Facilities which support the wine grape industry by providing local processing options for growers. The Braveheart Winery will provide processing facilities for approximately 230-250 tons of grapes from off-site vineyards.

Wine tasting visitor traffic is projected at 30 visits per day during weekends during the summer with somewhat less visitor use during the week.

Six (6) special events per year involving a maximum of 80 guests are mentioned in the project application. There are no private residences within 400 feet of the proposed tasting room as is the requirement in the LUO. The nearest adjacent development is Grey Wolf Winery which appears to be approximately 850 feet to the east. Under existing conditions, the existing buffer should provide adequate separation from any noise generated by visitors or live music. In conformance with the LUO, the project application states that during Special Events, live music will conclude at 5 p.m. Along with noise, associated traffic flow and parking are not expected to be issues affecting the project's compatibility with adjacent Residential Suburban or Agricultural land uses.

Therefore, the Agriculture Department concludes that this project presents no incompatibility issues for adjacent agricultural or residential property owners.

**3. Grape Pomace Disposal:**

Following the grape crush, the applicant plans to use a portion of the grape pomace for a soil amendment through incorporation into the on-site vineyard. According to commercial

*Winery Land Use Project Review*  
*Page 7.*

composting professionals, unprocessed grape pomace can be applied at 4-5 tons per acre in most soils without adverse effects. Factors such as pomace moisture content, air temperature, and the methods used to incorporate the material all affect the application rate. Over-application can result in nuisance odors and attraction of disease carrying insects (vectors). Pomace composted with green waste can be applied at up to 10 tons per acre. Since the objective is to apply the soil amendment at agronomic rates" (a rate that insures that the target crop utilizes the available nitrogen and which minimizes excess nitrogen passing below the root zone) over application should be avoided to protect resources such as groundwater.

**Recommended Mitigation Measures:**

Based on the above determination, the Agriculture Department finds that the Robak Braveheart Winery project, as proposed, meets the intent of Policy 8 in the County General Plan's Agriculture and Open Space Element.

However, the project will not meet certain requirements specified in the amended sections of Title 22 of the Land Use Ordinance (LUO) Relating to Wineries and Related Uses. Specifically, based on the applicant's stated plans for the size and scope of Special Events, involving up to 80 guests six (6) times per year, the project as designed does not meet the requirements for a 200 foot building setback for the hospitality/tasting room from the parcel boundaries, or the minimum 20 acre site area requirement.

**CDF/SAN LUIS OBISPO COUNTY FIRE DEPARTMENT**

Dan Turner, Chief

General Information 805/543-4244

FAX 805/543-4248

635 N. Santa Rosa • San Luis Obispo • California 93405

September 6, 2001

**RECEIVED**

SEP - 7 2001

Planning &amp; Bldg

County of San Luis Obispo  
 Department of Planning/Building  
 Rosalind Rondash  
 County Government Center  
 San Luis Obispo, CA 93408

**MINOR USE PLAN****Project Number: D010060P Name: Robak**

The Department has reviewed the minor use plans submitted for the proposed winery and wine tasting project located on Hwy 46 West, Paso Robles. The property is located within the State Responsibility Zone.

**THE OWNER OF THE PROJECT SHALL MEET THE MINIMUM FIRE AND LIFE SAFETY REQUIREMENTS OF THE UNIFORM FIRE CODE (1997 EDITION) WITH AMENDMENTS. THIS FIRE SAFETY PLAN SHALL REMAIN ON THE PROJECT SITE UNTIL FINAL INSPECTION.**

**THE FOLLOWING STANDARDS ARE REQUIRED.****FIRE SAFETY DURING CONSTRUCTION**

- Commercial and industrial type projects shall have installed, prior to the start of construction, commercial water system and fire lanes.

**FIRE EXTINGUISHING SYSTEM**

- The proposed project is required to install a commercial fire/life safety sprinkler system.
- The automatic fire extinguishing system shall comply with National Fire Protection Association Pamphlet 13, 231, 20, and 22.
- The fire sprinkler system shall be designed as a minimum ordinary hazard group II.
- Plans shall be submitted for review and approval to the County Building Departments.
- Contractor to be licensed by the State of California [UFC 1003.1.1 amended/Title 19, Section 19.20.029 (a)].
- The fire sprinkler system shall be monitored by a licensed alarm company.

**PORTABLE FIRE EXTINGUISHER(S)**

- Portable fire extinguishers shall be installed and comply with the Uniform Fire Code (1997) Section 1002.1, Standard 10-1.
- The contractor shall be licensed by the State Fire Marshal.
- The minimum requirements will be determined during the building permit/fire safety plan process.



PROVIDING COOPERATIVE FIRE PROTECTION AND RESCUE SERVICES  
 TO THE CITIZENS OF SAN LUIS OBISPO COUNTY



Robak (D010060P)

Page 2

## ROOF ACCESS

- The project shall provide vertical access to the roof from two points.
- Access can be provided by the use of landscaping or a fixed laddering system.
- Plans shall be submitted for approval to the County Fire Department.
- Presently the County Fire Department can provide a maximum 16 feet of vertical reach.

## WATER STORAGE TANK

- A minimum of 30,000 gallons of water in storage shall be required.
- Emergency water tanks shall have a:
  1. automatic fill,
  2. sight gage,
  3. venting system,
  4. The minimum water main size shall not be less than six (6) inches.
  5. Pressures may not be less than 20 psi, nor more than 150 psi (Appendix IIIA).

## WATER SUPPLY CONNECTION

- Several fire hydrants shall be required.
- Fire hydrants are to be located with a maximum normal spacing of 300 feet as measured along vehicular travel ways.
- The County Fire Department will assist in hydrant placement and approve distribution system when plans are submitted.
- Fire hydrants shall have two, 2½-inch outlets with National Standard Fire thread, and one 4 inch suction outlet with National Standard Fire thread.
- The Chief shall approve other uses not identified.
- Signing: Each hydrant shall be identified by blue reflective dot.

(a) On a non-skid surface, center of roadway, to the fire hydrant side.

## ACCESS

- Access road width shall be 18 feet.
- The project shall provide a minimum 20-foot fire lanes for emergency vehicle access.
- All road and driveway surfaces shall be all weather.
- All surfaces shall be constructed to meet a load capacity of 20 tons.

## ADDRESSING

- Legible address numbers shall be placed on all structures.
- Legible address numbers shall be located at the driveway entrance.

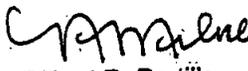
## FINAL INSPECTION

- The project shall require final inspection. **Allow five (5) working days for final inspection.** When the safety requirements have been completed, call the Fire Prevention Secretary at 543-4244, ext.2220, and arrange for a final inspection.

Robak (D010060P)  
Page 3

If I can provide additional information or assistance, please call 543-4244, ext. 2123. Office hours 8:00 a.m. to 5:00 p.m., Tuesday through Friday.

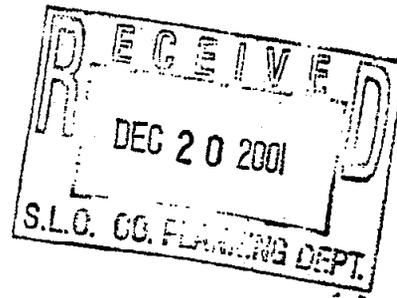
Sincerely,

  
for Gilbert R. Portillo  
Fire Inspector

C: Mr. Thomas Robak, owner  
Ms. Rachel Dumas, agent

**DEPARTMENT OF TRANSPORTATION**

50 HIGUERA STREET  
 SAN LUIS OBISPO, CA 93401-5415  
 TELEPHONE: (805) 549-3111  
 TDD (805) 549-3259  
<http://www.dot.ca.gov/dist05>



December 17, 2001

5-SLO-046-19.57  
 Robak Winery/ #D010060P

*ROZ*

San Luis Obispo Department of Planning & Building  
 Attn: North County Team  
 County Government Center  
 San Luis Obispo, Ca 93408

To Whom It May Concern:

Caltrans District 5 staff has reviewed the above-referenced document. The following comments were generated as a result of the review:

1. In the interest of safety for the traveling public in mind, the Department has for some time stated its concerns with the increase demand at non-grade separated intersections. This is especially true when the increase in demand is due to a local development decision or intensification of land use. In fact, at this location near State Route 1/Anderson Road, the Department has on earlier occasions expressed this concern (see attached letter dated 6-19-97). Therefore, District staff recommends that left turn channelization be installed at two lane conventional highway intersections where wineries are proposed that contain retail/hospitality components. However, District staff understands that it is ultimately within the County's purview to assign conditions of approval.

I hope this letter gives your agency a better understanding of Caltrans concerns with respect to this development. Should you have further questions about this letter please contact me at (805) 549-3683. Thank you for the opportunity to comment.

Sincerely,

Larry Newland, AICP  
 District 5  
 Development Review Coordinator

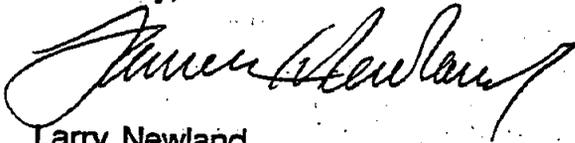


Mr. Steven McMasters  
June 19, 1997  
Page 2

Please understand that because of our statutory responsibility to preserve the safety and operational integrity of all State Highways, Caltrans generally takes a conservative and cautious approach to reviewing development applications such as this. We want you to know however that this Department is sensitive to the economic limitations of individual project proponents. With that in mind, District staff does have, and is willing to use, some flexibility with respect to the design of improvements such as left turn channelization. Please know that we are willing to meet and confer with County staff, the applicant, and his or her representative to discuss design options that could be more economically feasible.

I hope this letter makes clear Caltrans position with respect to this development. If you have questions or comments or wish to arrange a meeting please contact me at (805) 549-3683. Thank you for the opportunity to comment.

Sincerely,



Larry Newland  
District 5  
Intergovernmental Review Coordinator

cc: Brian Douglas, Morro Group  
SStrait, TGubbins, NSams, WP Heath, TL Rochite, SJ Chesebro

SLO-046-19-5.TS

**TEMPLETON AREA ADVISORY GROUP  
P.O. BOX 1135  
TEMPLETON, CA 93465**

February 20, 2002

North County Planning and Building Team  
Attn: Rosalind Rondash

Subject: 16,775 SQ FT Winery & Tasting Room Hwy 46 West. Thomas and Charlotte Robak.

On November 15, 2001, TAAG reviewed the above project. Applicant requests setback variance and will be conducting special events.

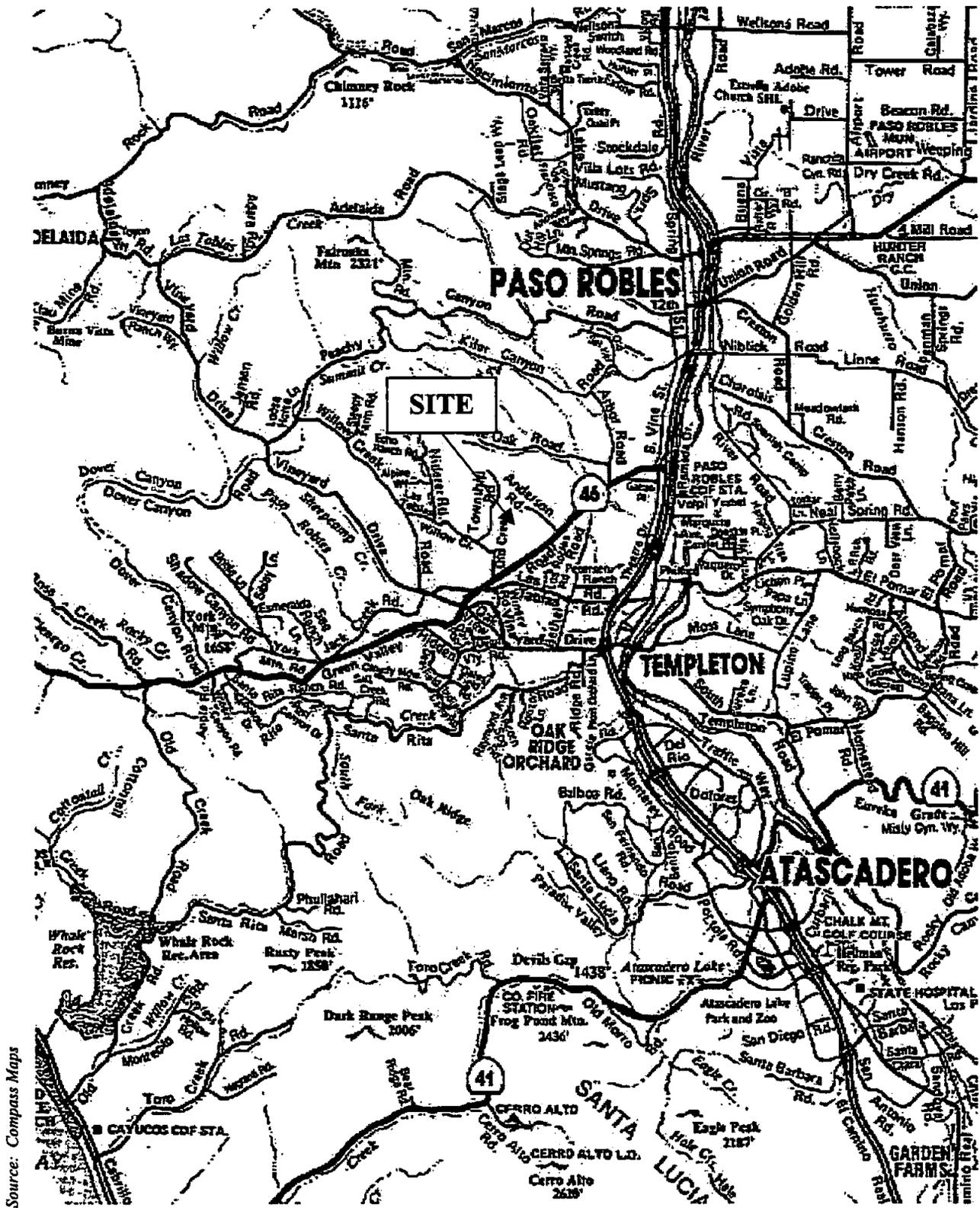
**TAAG Action:**

Action: Endorses request for setback variance and minor use permit, concerned about access on Route 46, requests minimum of 50 feet of driveway paving, concerned about site grading, recommended street-side landscaping to soften hard surfaces, comply with draft lighting standards and Templeton Design Plan, and requests to review as project continues. Passed 4-2

On January 17, 2002, TAAG again reviewed the project. Applicant informed TAAG they no longer intended to conduct special events and showed proposed site changes. Discussion included issues raised previously. No action required.

John Sargent  
Chairman

JS:drj

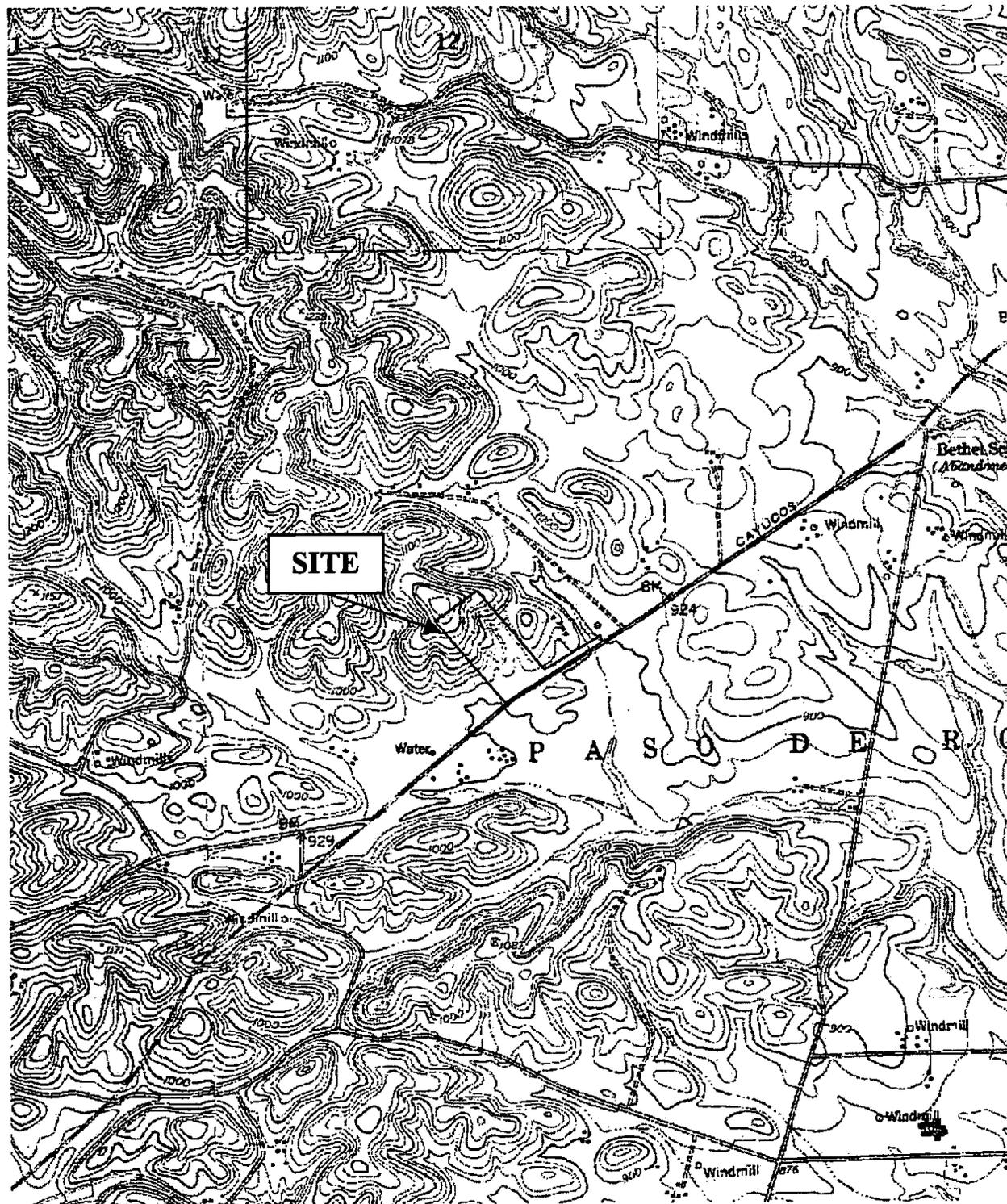


Source: Compass Maps



VICINITY MAP  
FIGURE 1

Morro Group, Inc.

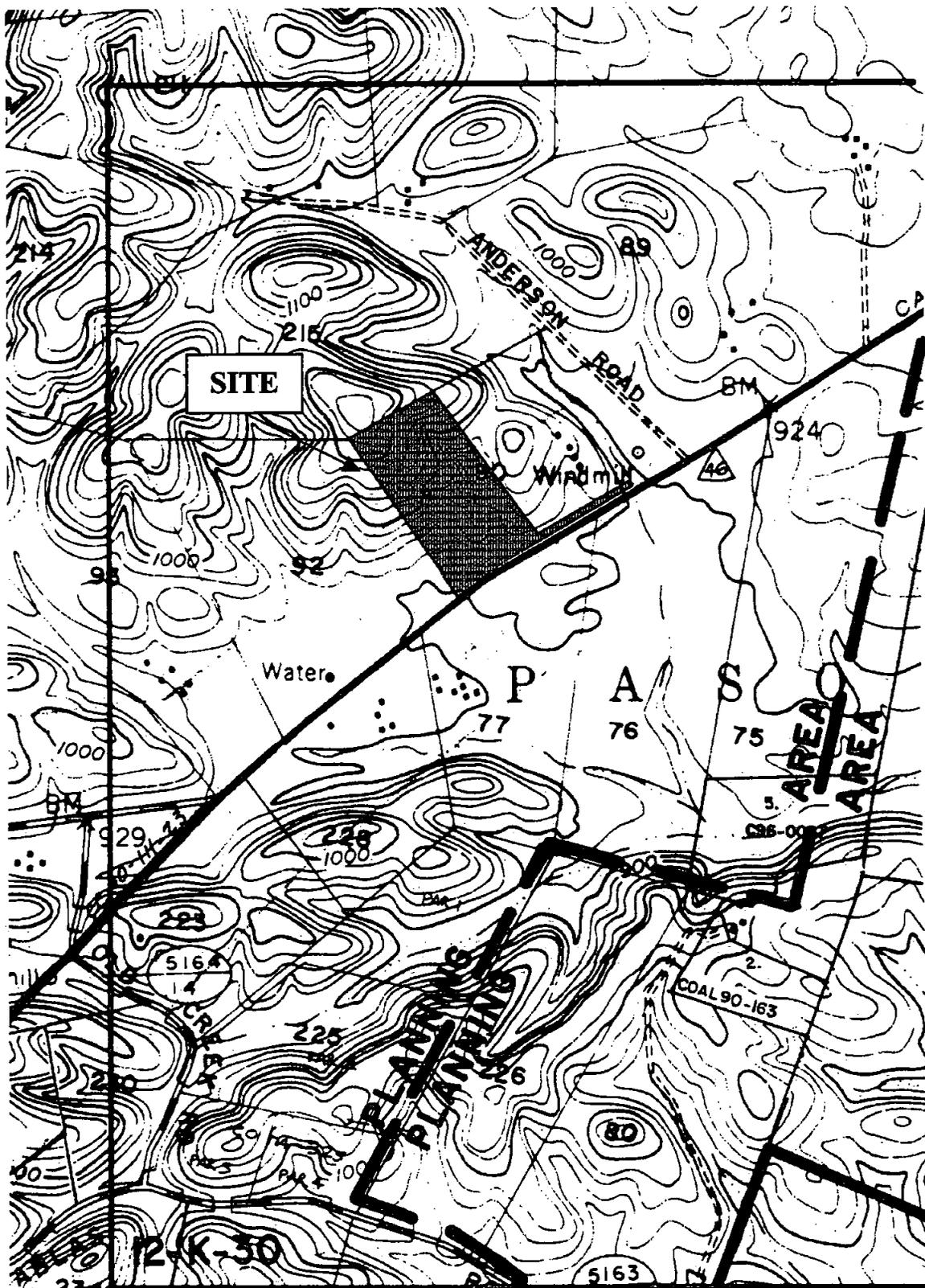


Source: USGS Quadrangle



**NORTH**  
Not to Scale

**LOCATION MAP**  
**FIGURE 2**

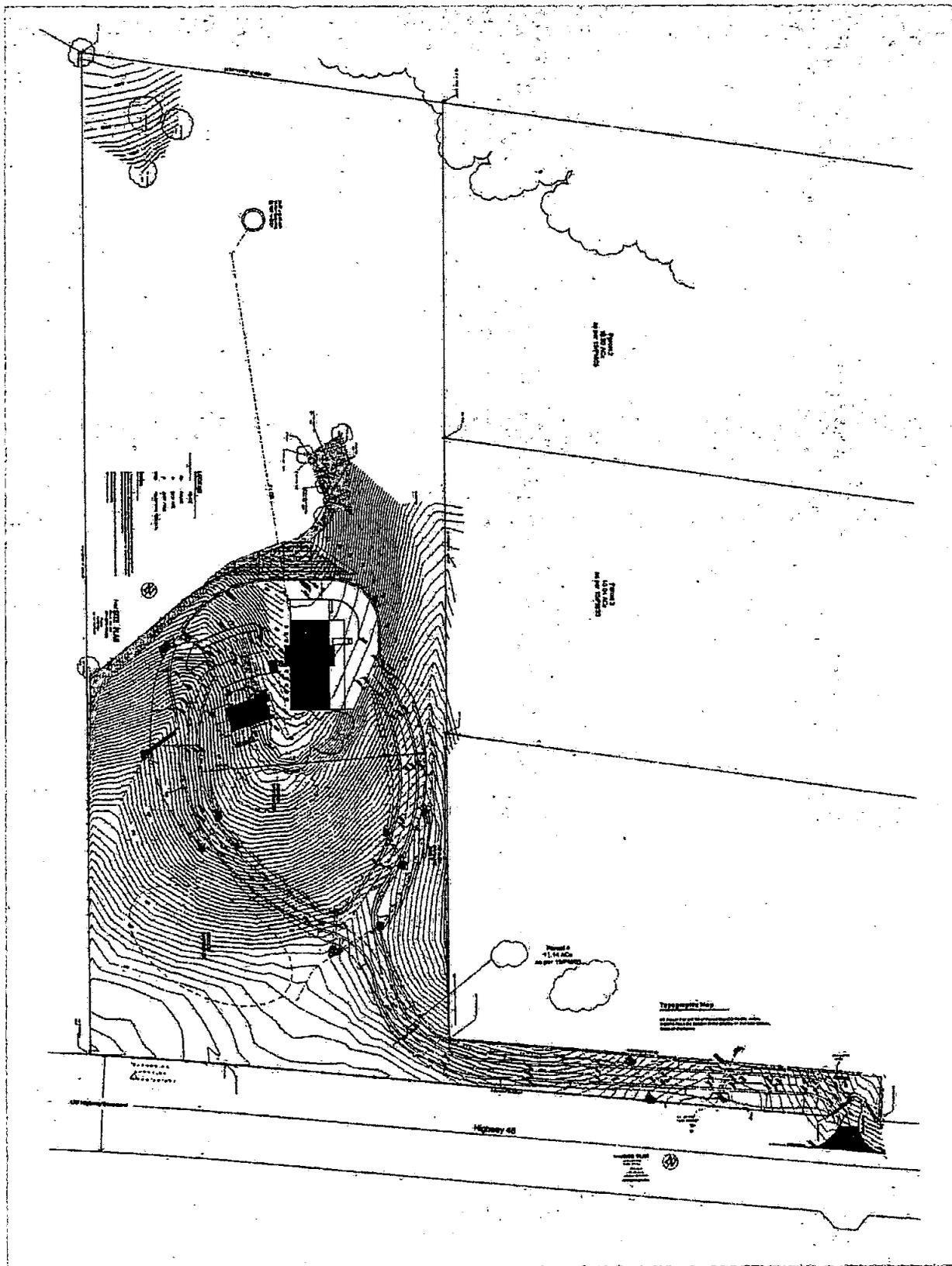


Source: County of San Luis Obispo



NORTH  
Not to Scale

LAND USE CATEGORY  
FIGURE 3



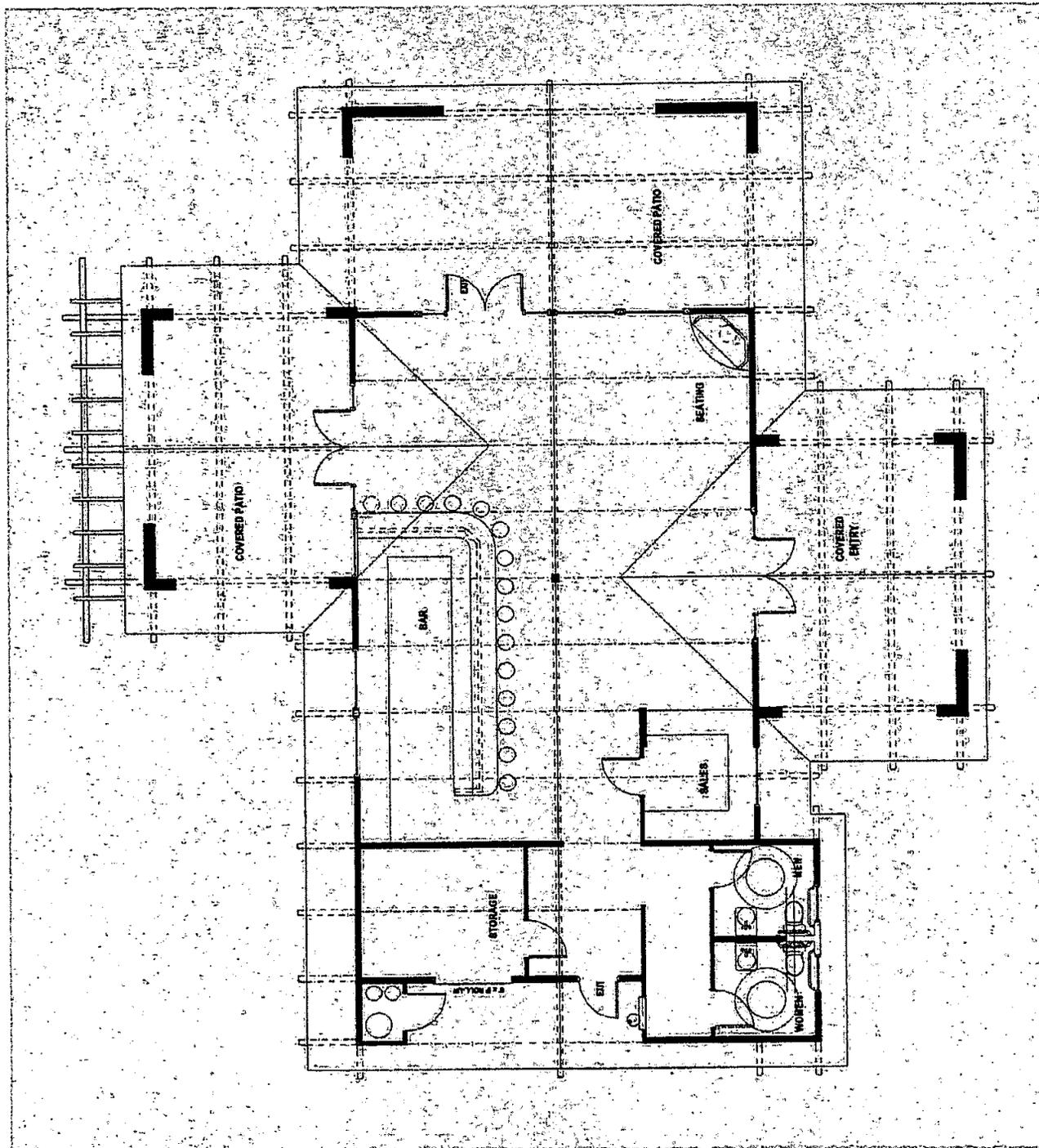
Source: D. Sawyer, Inc.; 2002



**NORTH**  
Not to Scale

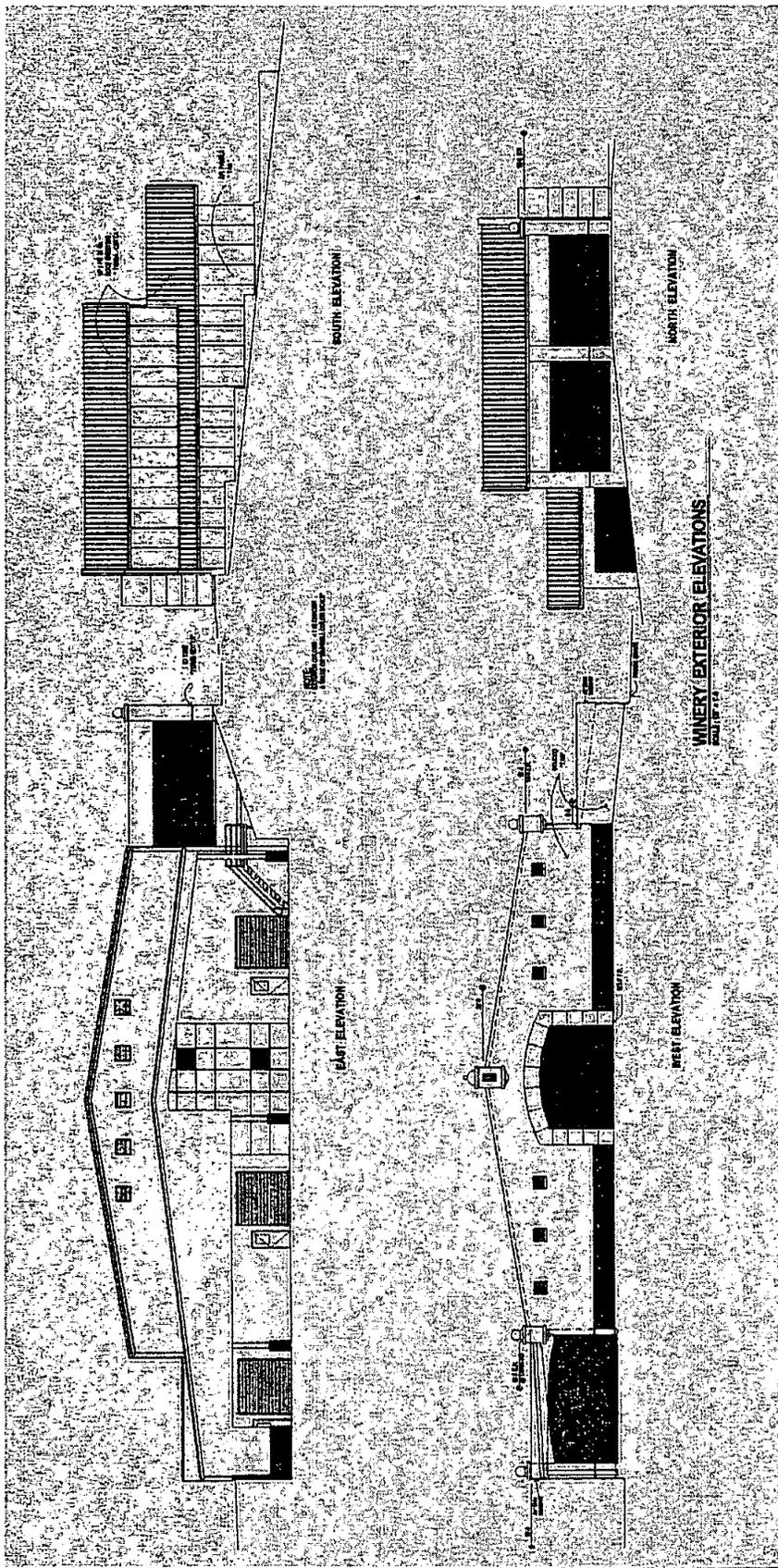
**SITE PLAN**  
**FIGURE 4**

Morro Group, Inc.



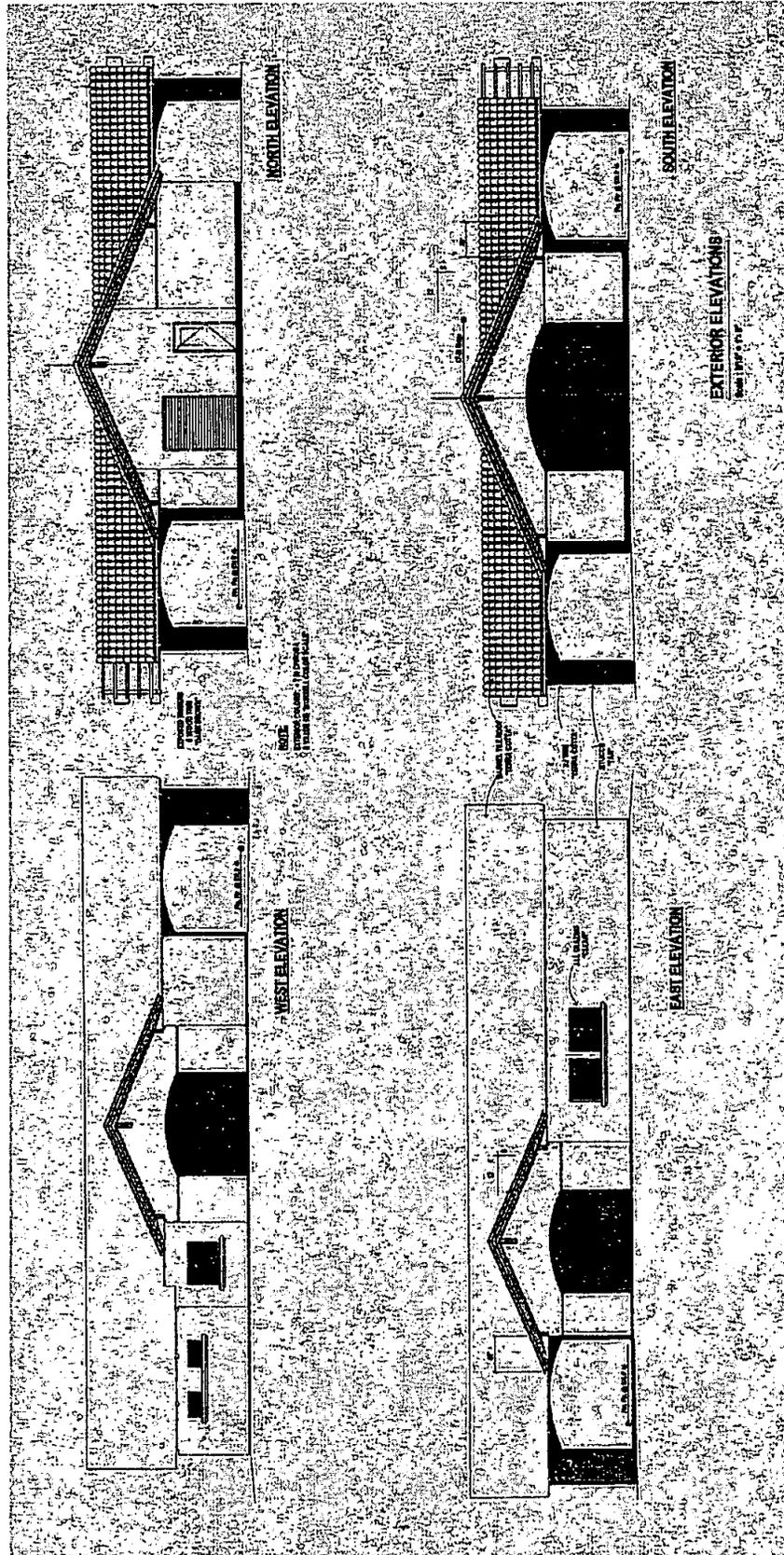
Source: D. Sawyer, Inc.; 2002

**VISITOR'S CENTER FLOOR PLAN  
FIGURE 5**



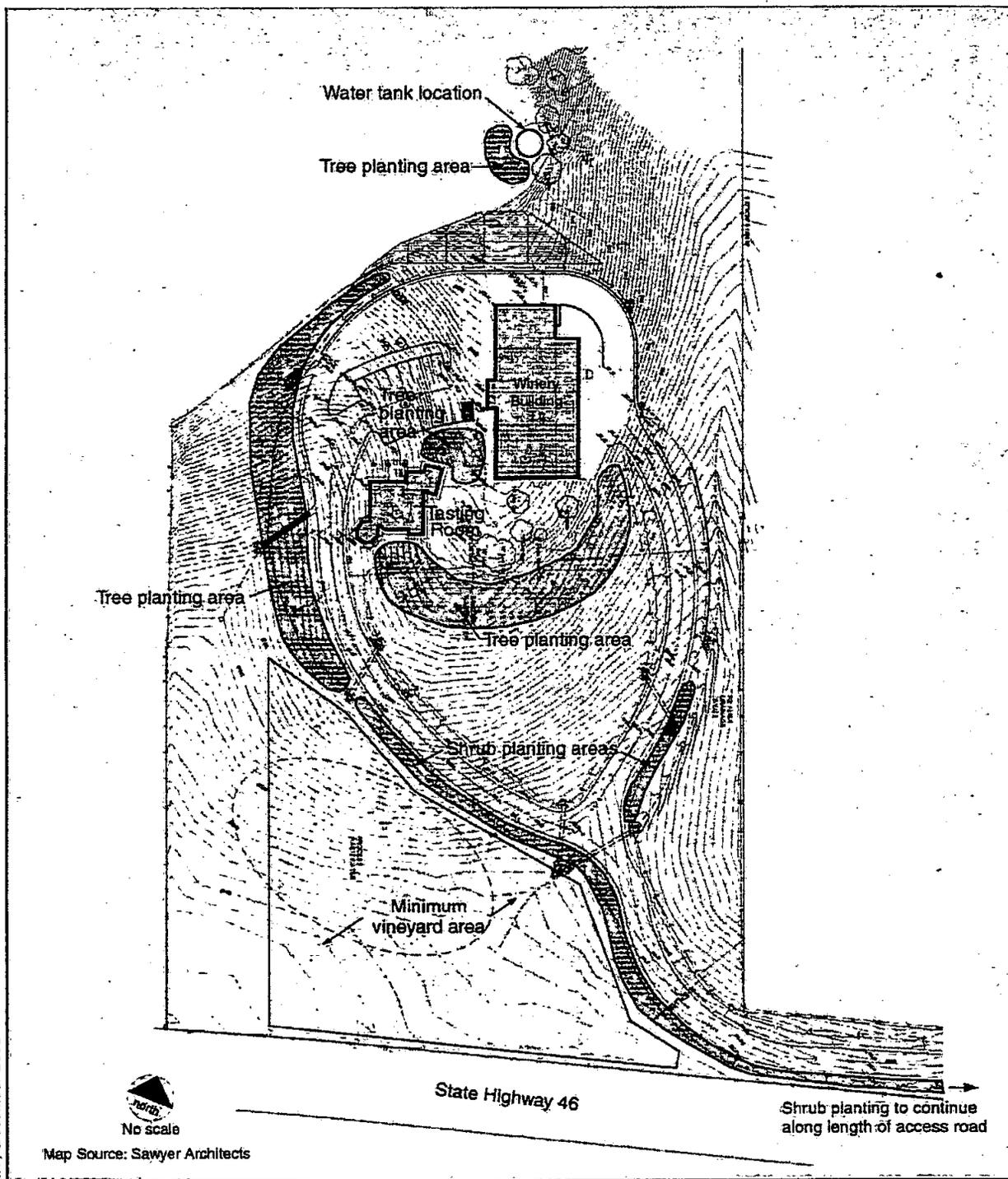
Source: D. Sawyer, Inc.; 2002

WINERY ELEVATIONS  
FIGURE 6



Source: D. Sawyer, Inc.; 2002

**VISITOR'S CENTER ELEVATIONS  
FIGURE 7**



VISUAL ANALYSIS  
 BRAVEHEART WINERY  
 2200 HWY 46 WEST  
 SAN LUIS OBISPO COUNTY

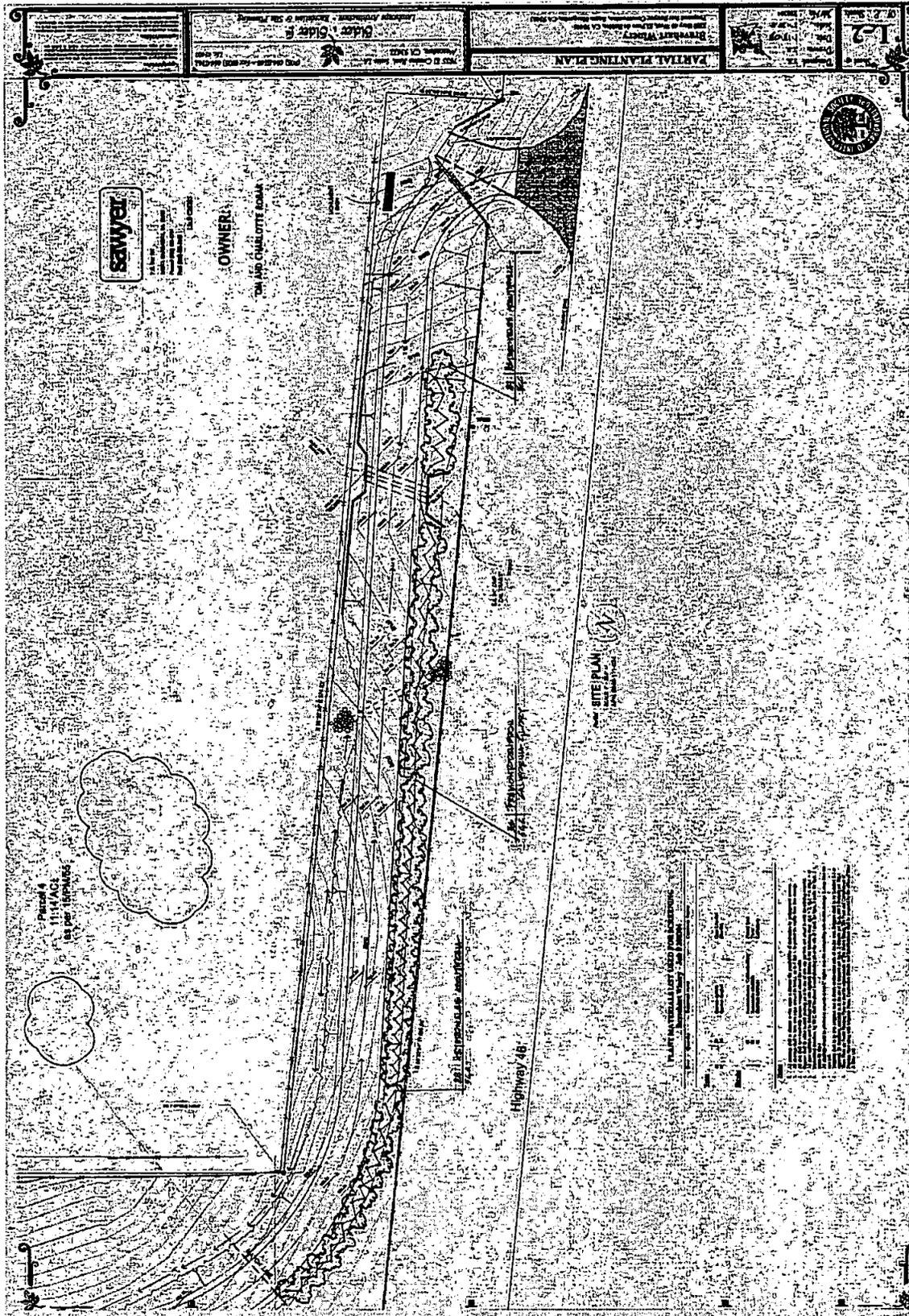
MITIGATION CONCEPT MAP

Exhibit B



**NORTH**  
 Not to Scale

**VISUAL MITIGATION CONCEPT MAP  
 FIGURE 8**



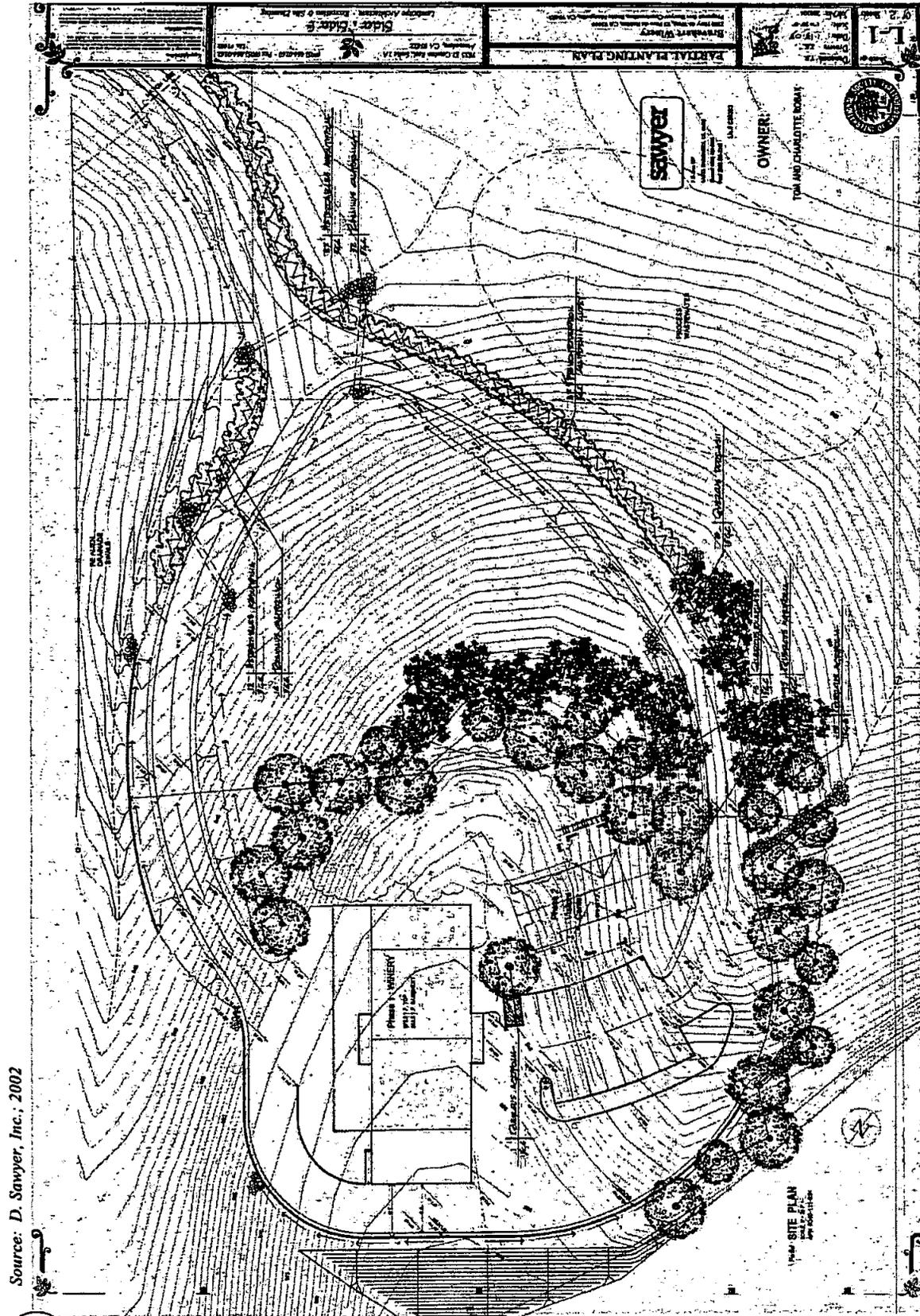
Source: D. Sawyer, Inc.; 2002



NORTH  
Not to Scale

LANDSCAPE PLAN  
FIGURE 9

Morro Group, Inc.

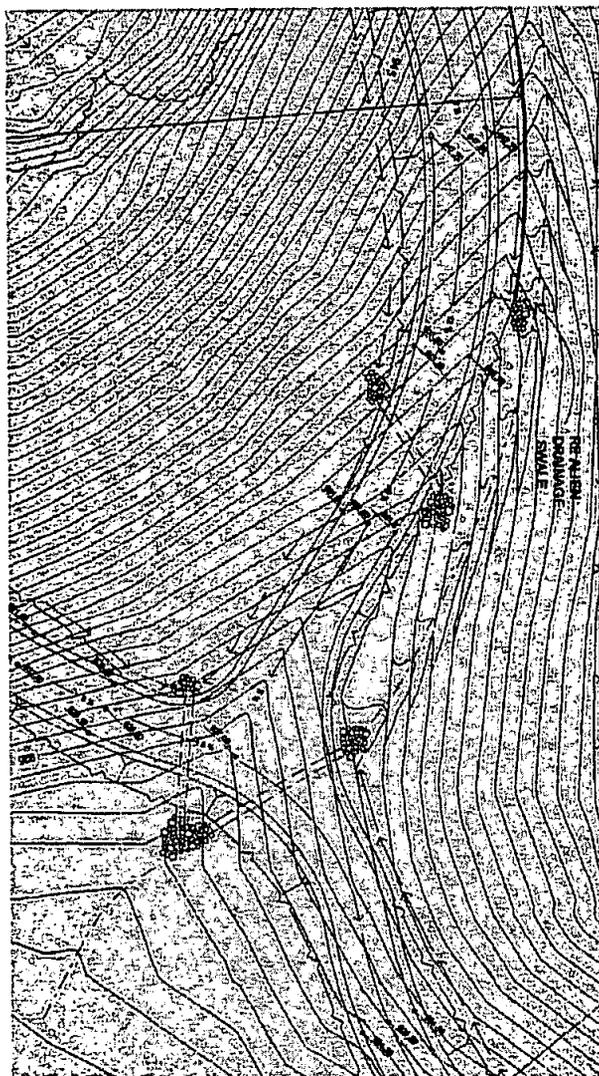
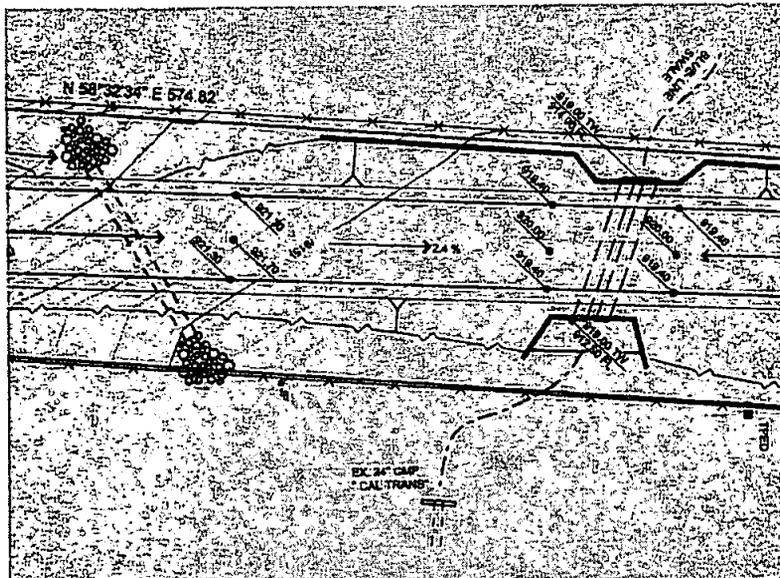


Source: D. Sawyer, Inc., 2002



**NORTH**  
Not to Scale

**LANDSCAPE PLAN**  
**FIGURE 10**



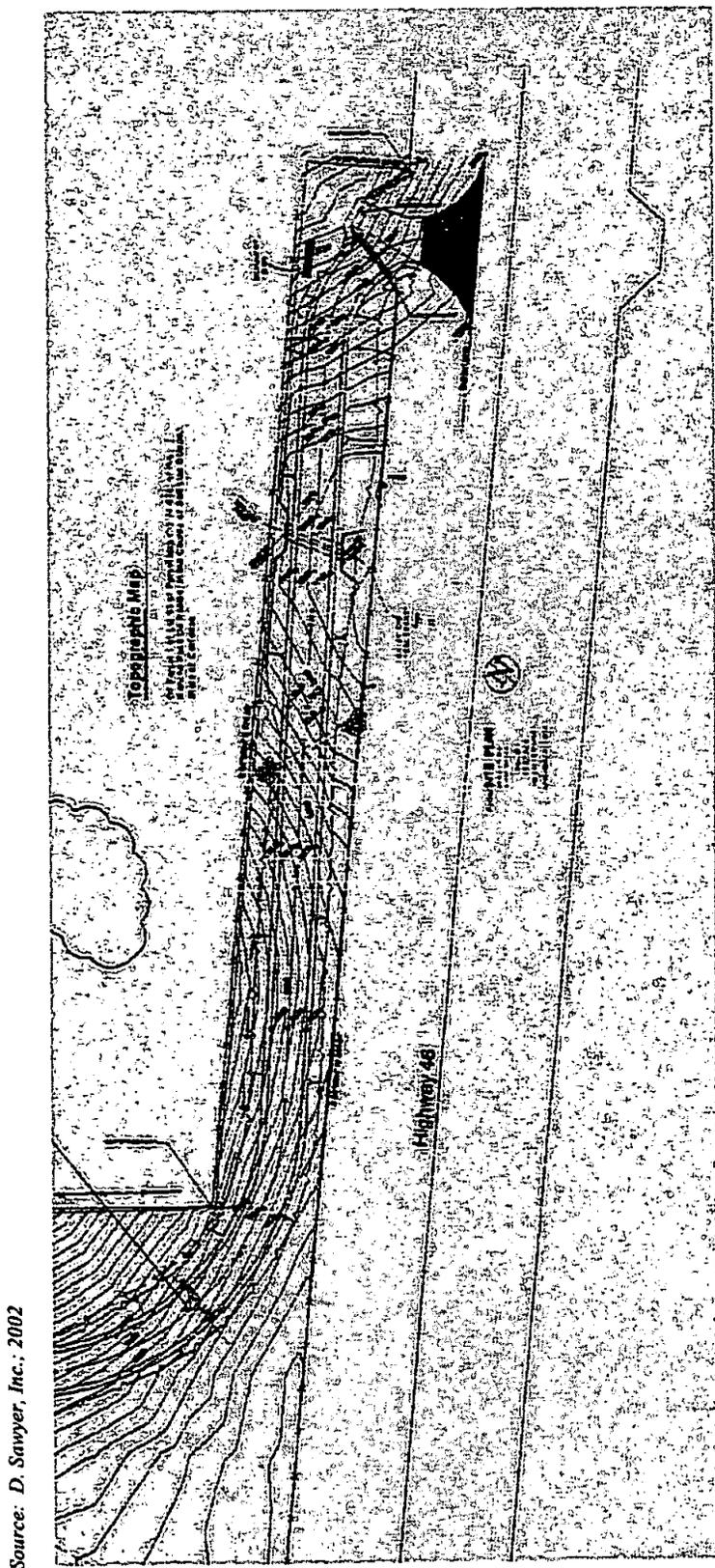
Source: D. Sawyer, Inc.; 2002



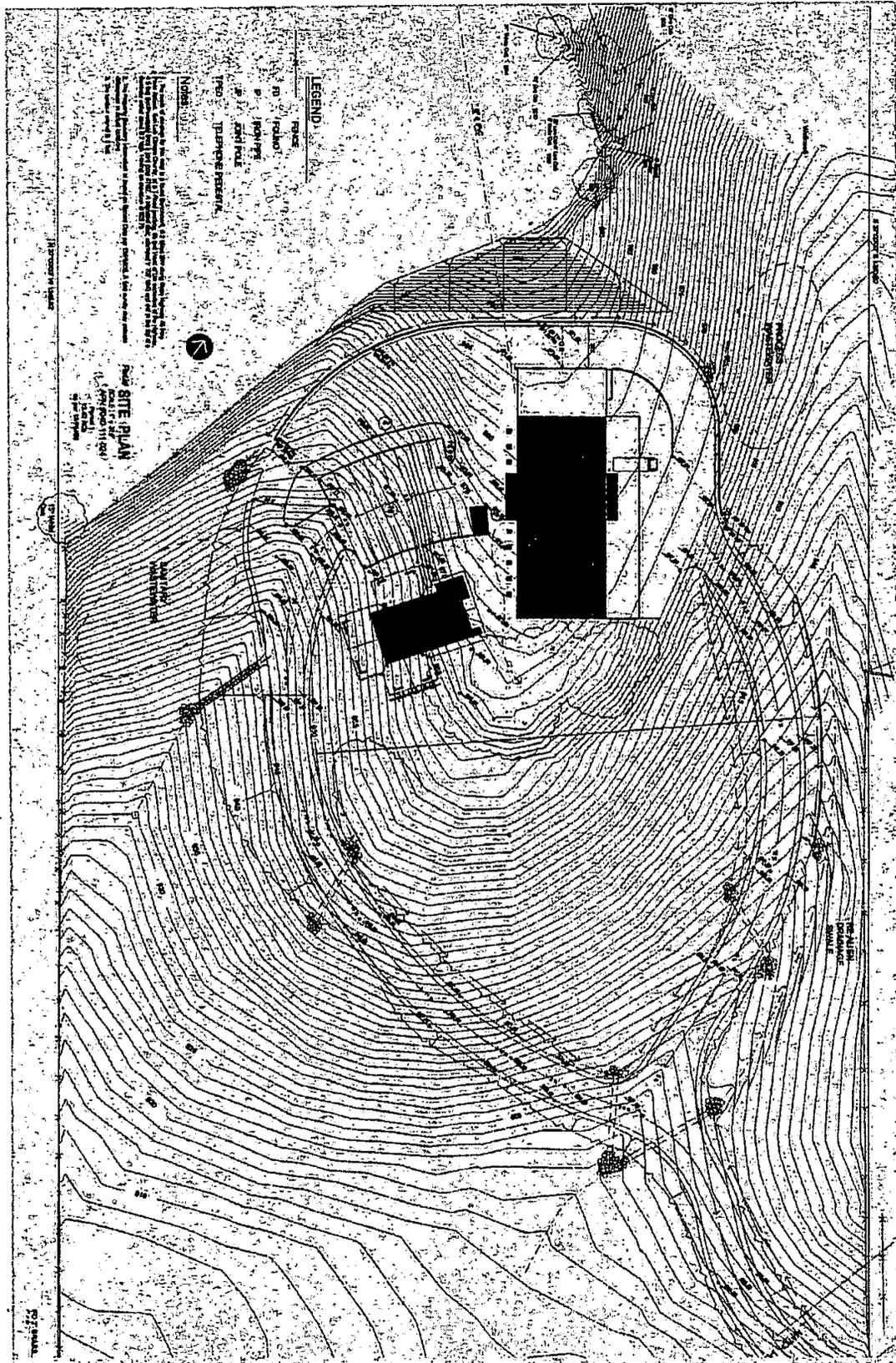
**NORTH**  
Not to Scale

**CULVERT CROSSINGS AND  
REALIGNED DRAINAGE  
FIGURE 11**

Morro Group, Inc.



**PRELIMINARY GRADING PLAN  
FIGURE 12**



Source: D. Sawyer, Inc.; 2002



**NORTH**  
Not to Scale

**PRELIMINARY GRADING PLAN**  
**FIGURE 13**

Morro Group, Inc.