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Th12b

Prepared April 13, 2010 (for April 15, 2010 hearing)

To: Commissioners and Interested Persons

From: Dan Carl, District Manager
Jonathan Bishop, Coastal Planner

Subject: STAFF REPORT ADDENDUM for Th12b
Appeal Number A-3-SLO-07-035 (Stolo Winery)

The purpose of this addendum is to modify the staff recommendation for the above-referenced item to add an indemnification condition to address the costs associated with a potential legal challenge to the Commission's decision. Specifically, the staff report is modified as follows:

1. Add new Subsection E just prior to Section 7 on page 32 of the staff report as follows:

E. Liability for Costs and Attorneys Fees

Coastal Act Section 30620(c)(1) authorizes the Commission to require applicants to reimburse the Commission for expenses incurred in processing CDP applications.[1] Thus, the Commission is authorized to require reimbursement for expenses incurred in defending its action on the pending CDP application in the event that the Commission's action is challenged by a party other than the Applicant. Therefore, consistent with Section 30620(c), the Commission imposes Special Condition 10 requiring reimbursement for any costs and attorneys fees that the Commission incurs in connection with the defense of any action brought by a party other than the Applicant challenging the approval or issuance of this permit, the interpretation and/or enforcement of permit conditions, or any other matter related to this permit.

2. Add new Special Condition 10 on page 40 of the Staff Report as follows:

10. Liability for Costs and Attorneys Fees. The Permittee shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys fees (including but not limited to such costs/fees that are: (1) charged by the Office of the Attorney General; and (2) required by a court) that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Coastal Commission, its officers, employees, agents, or successors and assigns challenging the approval or issuance of this permit, the interpretation and/or enforcement of permit conditions, or any other matter related to this permit. The Permittee shall reimburse the Coastal Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.

[1] See also California Code of Regulations Title 14 Section 13055(g).

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Th12b

Appeal filed:	7/13/2007
49th day:	Waived
Staff report prepared:	3/24/2010
Staff report prepared by:	J.Bishop
Staff report approved by:	D. Carl
Hearing date:	4/15/2010

APPEAL STAFF REPORT
SUBSTANTIAL ISSUE DETERMINATION & DE NOVO HEARING

Appeal number.....**A-3-SLO-07-035, Stolo Winery**

Applicant.....**Don and Charlene Stolo**

Appellants.....Commissioners Pat Kruer and Mary Shallenberger; Kirsten Fiscalini; Landwatch San Luis Obispo County; and Greenspace – The Cambria Land Trust.

Local government .....San Luis Obispo County

Local decision.....Approved with conditions on June 5, 2007 (Coastal Development Permit (CDP) File Number DRC2005-00039).

Project location .....3770 Santa Rosa Creek Road (approximately 1.5 miles east of Main Street) near Cambria in San Luis Obispo County (North Coast Planning Area).

Project description.....Phased construction of a winery, tasting facility, and related development.

File documents.....San Luis Obispo County certified Local Coastal Program (LCP); *Biological Report for the Stolo Family Winery* (Althouse and Meade, Inc., October 2006); *Traffic Summary for Dos Cruces Winery* (Orosz Engineering Group, Inc., November 2004); *Geotechnical Investigation Stolo Family Winery* (GSI Soils, Inc., August 2005); *Cultural Resources Survey and Impact Assessment for Dos Crusas Winery* (C.A. Singer and Associates, Inc., November 2004).

Staff recommendation ...**Substantial Issue Exists; Approve with Conditions**

A.Staff Recommendation

1. Summary of Staff Recommendation

San Luis Obispo County approved a coastal development permit (CDP) to allow for the phased construction of a winery operation (including a grape processing/bottling facility, a tasting facility, an office, and related improvements) on a 53.3-acre agricultural property with an existing single-family residence, barn, and related development. The County approval also provided for up to four special events per year on site associated with the new approved facilities. The project is located on Santa Rosa Creek Road, approximately 1.5 miles east of Main Street near the community of Cambria in

unincorporated San Luis Obispo County.

The County-approved project is inconsistent with certified LCP policies and ordinances requiring the protection of coastal stream and riparian ESHA resources, agriculture, and water quality. First, the project does not include the LCP-required 100-foot stream and riparian habitat setbacks, and has not been sited and designed to avoid ESHA resource impacts. Second, the project does not adequately maintain agricultural lands for LCP-allowed agricultural uses, nor does it adequately limit the conversion of prime agricultural soils. In addition, although wineries are a specialized agricultural processing use under the LCP, such use does not extend to special events (which are non-agricultural uses), and such special use only allows public tours, tasting, and retail sales when located within one mile of an arterial or collector road (i.e., closer to more urban areas as opposed to out in rural areas). In this case, the approved winery is located in a rural area greater than 1 mile from an arterial or collector and the approved public tours, tasting, retail sales, and special events are not allowed under the LCP. Furthermore, the County's approval does not concentrate such development within or contiguous to existing more urban areas as required by the LCP, and such uses are not compatible with protecting the rural agricultural area in which the project is located. Third, water quality impacts from site runoff and winery effluent have not been adequately addressed. In short, although a winery project can be found consistent with the LCP at this location, issues are raised with the County approval because there are feasible, less environmentally damaging alternative project uses, designs and configurations that better meet LCP requirements.

For these reasons, Staff recommends that the Commission find that a substantial issue exists with respect to the grounds on which the appeal has been filed and that the Commission take jurisdiction over the CDP application.

With respect to the coastal development permit, Staff is recommending approval of a CDP for a modified project that will protect (and enhance) coastal streams and riparian ESHA, agricultural resources, and water quality. The key elements of an approvable project include removing all public tasting, tours, retail sales, and special events; clustering all new structural development on the north side of Santa Rosa Creek Road, thus leaving the portion of the property on the opposite side of the road free of such development and undisturbed in terms of its agricultural viability; designing all new development using a rural/farm design theme and incorporating landscape screening and filtering elements; setting back all new development a minimum of 100 feet from the upland edge of stream and riparian habitat areas; restoring and enhancing the riparian corridor and its buffer on the north side of the property; and requiring comprehensive site drainage and winery effluent management and reuse plans as part of the project. A project modified in these ways allows for a winery development that is sensitive to the site and surrounding area, including with respect to recognizing its rural, agricultural nature and including only that range of winery development and uses that harmonizes with this character and setting consistent with the LCP.

Staff notes that as of the date of this staff report, Staff and the Applicants are in general agreement on many of the parameters of the staff recommendation, including clustering all new development on the north side of Santa Rosa Creek Road, maintaining a 100-foot setback from stream and riparian ESHA,

restoring and enhancing stream and riparian ESHA and the 100-foot buffer area, designing the project to reflect a rural agricultural theme, handling site runoff and processed winery effluent in a manner that avoids impacts and does not significantly disrupt sensitive coastal resources, and prohibiting special events. The Applicants do not agree, however, that public tours, wine tasting, and retail sales should be prohibited. In making this case, the Applicants indicate that the LCP allows for an exception to the use standards that limit these public-retail uses to areas nearer the urban core than their site, and would suggest that this LCP requirement can be waived. It is true that this requirement can be waived under the LCP, but only if it is conclusively shown to be "unnecessary or ineffective". Staff does not believe the standard to be either, instead believing that the standard is appropriately being applied in this case to limit expansion of more urban style uses and development into rural agricultural areas, making it both necessary and effective at protecting this area from such incursion contrary to the LCP protection afforded it, which at heart is an issue of ensuring that more rural agricultural areas stay that way and are not adversely impacted by inappropriate uses and development.

As conditioned, the project will be in conformance with the certified LCP, and staff recommends that the Commission approve a CDP for the project.

Motions and resolutions to find substantial issue and to approve the project subject to the staff recommendation are found below.

2. Staff Recommendation on Substantial Issue

Staff recommends that the Commission determine that a **substantial issue** exists with respect to the grounds on which the appeals were filed. A finding of substantial issue would bring the project under the jurisdiction of the Commission for hearing and action.

Motion. I move that the Commission determine that Appeal Number A-3-SLO-07-035 raises no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.

Staff Recommendation of Substantial Issue. Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

Resolution to Find Substantial Issue. The Commission hereby finds that Appeal Number A-3-SLO-07-035 presents a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

3. Staff Recommendation on CDP Application

Staff recommends that the Commission, after public hearing, approve a coastal development permit for the proposed development subject to the standard and special conditions below.

Motion. I move that the Commission approve Coastal Development Permit Number A-3-SLO-07-035 pursuant to the staff recommendation.

Staff Recommendation of Approval. Staff recommends a **YES** vote. Passage of this motion will result in approval of the coastal development permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve a CDP. The Commission hereby approves the coastal development permit on the grounds that the development as conditioned, will be in conformity with the policies of the San Luis Obispo County Local Coastal Program. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

Report Contents

B.Findings and Declarations

The Commission finds and declares as follows:

1. Project Setting

The proposed project is located on a 53.3-acre parcel in a rural agrarian portion of Cambria in San Luis Obispo County (see Exhibit A). This larger area consists primarily of rangeland, but also includes a variety of crop-based agricultural operations including hay and grains, orchards, and row crops. The visual character of the area is described by the LCP as "highly scenic" and includes views of agricultural areas, woodlands, riparian corridors, and rolling undeveloped hillsides. The property is located approximately two miles from the core of Cambria along Santa Rosa Creek Road, a winding and narrow in spots rural road that generally follows the meander of Santa Rosa Creek. The road cuts through the project site property itself, forming a northern portion (approximately 15 acres) and a southern portion (approximately 38.3 acres) in relation to the road. The southern portion of the property lies immediately adjacent to Santa Rosa Creek (along the southernmost property line). The northern portion of the property consists of an 8.4 acre vineyard, 1.2 acres of avocados, a single family residence, a barn, and several accessory structures. The southern portion of the property has row crops, a mobile home (used as farm support quarters) and a few scattered agricultural accessory structures. There are two unnamed tributaries to Santa Rosa Creek located on the property. One is located on the north side of the property where it extends from the north of the existing barn connecting to Santa Rosa Creek west of the property, and the other is located just south and alongside of Santa Rosa Creek Road (see Exhibit B).

2. San Luis Obispo County CDP Approval

On June 5, 2007, and on appeal from a Planning Commission decision approving the project, the San Luis Obispo County Board of Supervisors by a vote of 4 to 1 approved a CDP that allows for the phased development of a winery facility consisting of:

- Phase 1 – A 2,100 square foot wine processing facility with a 950 square foot crush pad, an accessway,[1] two parking spaces, and associated landscaping located approximately 30 feet from the western property line on the southern portion of the property. The maximum height of the wine processing facility is 25 feet from average natural grade. Phase 1 also includes an 800 square foot tasting facility, a new accessway to the new tasting facility, four parking spaces, landscaping, and the repair and improvement to the existing barn (for wine storage) on the northern portion of the property. The maximum height of the tasting facility is 20 feet (from average natural grade). Phase 1 wine production is limited to 5,000 cases.

- Phase 2 – Demolition of the barn improved in Phase 1, construction of a new 6,650 square foot barn,

[1] The accessway to the wine processing facility extends from Santa Rosa Creek Road across the adjacent (to the west) property. To date, the Applicants have not provided evidence to indicate that this adjacent landowner would consent to an accessway running across the adjacent landowner's property.

relocation of the tasting activities and barrel storage to the new barn, upgrade of the existing accessway from Santa Rosa Creek to the new barn, eleven parking spaces, landscaping, and remodel of the tasting facility constructed in Phase 1 into winery offices. The maximum height of the reconstructed barn (tasting and barrel storage) is 35 feet. All of the Phase 2 construction activities are located on the portion of the property north of Santa Rosa Creek Road. Phase 2 wine production is still limited to 5,000 cases.

- Phase 3 - A 920 square foot expansion to the 2,100 square foot wine processing facility constructed under Phase 1. The maximum height of the winery expansion is 25 feet. This expansion does not include additional parking spaces. Phase 3 wine production is limited to 10,000 cases.

The County approval also allows up to four special events per year on the property associated with the new winery facilities, where such events must satisfy all parking on site (overflow parking is not allowed on Santa Rosa Creek Road), and signs must be posted on the road 24 hours in advance of the event and removed within 24 hours of the conclusion of the event. See Exhibit B for the County's adopted findings, conditions, and related materials supporting this action, including detailed site plans and elevations related to each phase of the County-approved development.

Notice of the County's action on the CDP for the project was received in the Coastal Commission's Central Coast District Office on June 28, 2007. The Commission's ten-working day appeal period began on June 29, 2007 and concluded at 5pm on July 13, 2007. Four valid appeals were received during the appeal period (see below).

3. Appeal Procedures

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, and (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP. In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. This project is appealable because it is located within a sensitive coastal resource area, is within 100 feet of a stream, and because a winery with tasting facility, including the provision for temporary events, is not the principally-permitted use under the LCP.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the certified LCP or to the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a de novo CDP hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under Section

30604(b), if the Commission conducts a de novo hearing and ultimately approves a CDP for a project, the Commission must find that the proposed development is in conformity with the certified LCP. If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. This project is not located between the nearest public road and the sea, and thus this additional finding does not need to be made if the Commission approves the project following a de novo hearing.

The only persons qualified to testify before the Commission on the substantial issue question are the applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo CDP determination stage of an appeal.

4. Summary of Appeal Contentions

The County's approval was appealed by Coastal Commissioners Pat Kruer and Mary Shallenberger, Kirsten Fiscalini, Landwatch San Luis Obispo County, and Greenspace - The Cambria Land Trust. Together, the Appellants generally contend that the County-approved project is inconsistent with the LCP's ESHA, agriculture, water quality, and public services policies and ordinances. In sum, the Appellants contend that the County's approval is for a winery that is not sited and designed to avoid impacts to stream and riparian habitats; that the uses authorized are inconsistent with the LCP and will adversely impact surrounding rural agricultural lands and diminish the viability of agriculture in the area; that site drainage and winery effluent disposal has not been adequately addressed; and that a showing of an adequate water supply has not been made. See the Appellants' complete appeal documents in Exhibit C.

5. Substantial Issue Determination

As discussed below, the Commission finds that the County approved project raises substantial issues of conformity with the San Luis Obispo County LCP. Section 6 of this report, Coastal Development Permit Determination, provides further details concerning these Substantial Issue Determination findings, and these Coastal Development Permit Determination findings are incorporated in full herein by reference.

A. Applicable Policies[2]

The Appellants cite a variety of applicable LCP policies and ordinances in their appeal contentions. Issues raised by the appeals and the corresponding LCP development standards cited can be generally grouped into the following four categories: 1) ESHA; 2) Agriculture; 3) Water Quality; and, 4) Public Services.

[2] See Coastal Development Permit Determination findings that follow for text of referenced policies.

B. Substantial Issue Analysis

Environmentally Sensitive Habitat Area (ESHA)

The Appellants contend that the project approved by San Luis Obispo County is inconsistent with the LCP's ESHA standards with respect to protection of creek and riparian habitats. More specifically, the Appellants contend that the project does not meet the LCP's minimum 100-foot ESHA buffer requirements.

The San Luis Obispo County LCP maps adjacent Santa Rosa Creek and the on-site tributaries as Sensitive Resource Areas (SRAs) requiring protection. LCP Policy 1 requires that "new development within or adjacent to locations of environmentally sensitive habitats (within 100 feet unless sites further removed would significantly disrupt the habitat) shall not significantly disrupt the resource." LCP Policy 20 and LCP Coastal Zone Land Use Ordinance (CZLUO) Section 23.07.174 specifically define "coastal streams and adjoining riparian vegetation" as "environmentally sensitive habitat areas." Policy 21 goes on to require that development "shall be sited and designed to prevent impacts that would significantly degrade such areas and shall be compatible with the continuance of such habitat areas." Policy 28 requires setbacks from riparian vegetation, defining the "minimum standard" for rural areas as 100 feet "except where a lesser buffer is specifically permitted." The CZLUO Section 23.07.174.d.2(i-iv) outlines the necessary process and findings to adjust an otherwise required setback; in this case, the required minimum 100-foot setback.

As approved by the County, the project's riparian setback from the northern Santa Rosa Creek tributary would be reduced from the required minimum setback of 100 feet down to 70 feet. In addition, the County-approved plans show new development as close as approximately 90 feet from the southern tributary (see Exhibit B). However, the LCP requires a minimum 100-foot setback to adequately protect riparian resources. Given the LCP identified resource values of the riparian corridor, the County-approved reduction of the minimum setback down to 70 feet for the northern tributary and 90 feet for the southern tributary raises a substantial issue with respect to the LCP provisions cited above requiring the protection of creek riparian ESHA, and with governing LCP standards requiring a minimum 100-foot setback from the upland edge of riparian vegetation.

In addition, although the County made certain findings to adjust the creek riparian/ESHA setback down to a lesser distance, it did not make all of the required LCP findings; including it did not find that alternative locations or routes were infeasible or more environmentally damaging, as required by CZLUO Section 23.07.174(d)(2)(i); nor that the adjustment is necessary to allow a principal permitted use of the property as required by CZLUO Section 23.07.174(d)(2)(iii). In both cases, alternative project designs that avoid the required buffer as directed by the LCP are available, and the site is large enough outside of the required setbacks to provide for development that respects the required setbacks.

Thus, a substantial issue is raised with respect to the County-approved project's conformance with the LCP's stream and riparian ESHA protection policies and setback adjustment requirements.

Agriculture

The Appellants contend that the County approved project is inconsistent with the LCP's agricultural protection policies, including CZLUO Section 23.08.042(d)(2)(ii) dealing specifically with special winery uses and access locations.

LCP Policy 1 for Agriculture requires that prime agricultural land be maintained in or available for agricultural production. Other land (non-prime) suitable for agriculture must be maintained in or available for agricultural production unless, among other reasons, its conversion will not adversely affect surrounding agricultural uses. Allowable non-agricultural uses on agricultural lands may only be permitted where the least amount of agricultural land is converted. Policy 3 for Agriculture and Section 23.04.050 of the CZLUO identify requirements to protect agricultural lands when non-agricultural supplemental uses are approved to support agriculture. In such cases, the LCP requires agricultural easements, among other measures, over all agricultural land shown on the site plan and/or an open space easement over all land unsuitable for agriculture. Policy 4 for Agriculture requires that new agricultural structures necessary to agricultural use be located, where possible, on other than prime agricultural soils and that such approvals incorporate whatever mitigation measures are necessary to reduce negative impacts on adjacent agricultural uses. Under the LCP, a winery is a discretionary and specialized agricultural processing use subject to specific special use standards (CZLUO Chapter 23.08.012 and Sections 23.08.040 and 23.08.042(d)(2)), including with respect to locational restrictions requiring wineries with on-site public tours, tasting, or retail sales to be located within one-mile of an arterial or collector road (CZLUO Section 23.08.042(d)(2)(ii)).

The County-approved project raises substantial LCP conformance issues because it allows winery buildings to occupy agricultural fields, and in some areas locates structures on viable prime agricultural soils. As approved by the County, nearly two acres of prime agricultural land on the south side of Santa Rosa Creek Road historically planted in row crops would be converted to a wine processing facility and bottling operation.[3] Site plans show the County-approved wine tasting room, office, driveways, and parking areas also to be located on prime agricultural soils. In this case, alternative locations are available that better concentrate development and maintain prime soils for crop production. It has not been demonstrated that no alternative exists except on prime soils and that the least amount of prime soils will be converted. In short, the approved project locates new development on designated prime agricultural land where other land is available, inconsistent with the LCP's agricultural protection policies.

Furthermore, the LCP allows for winery operations on agricultural land as a discretionary and special use, but includes a series of special winery use requirements, including additional special use requirements for wineries that include on-site public tours, tasting, and retail sales. The LCP clearly draws a distinction between winery operations that are focused solely on grape processing versus winery operations that are open to the public (for tours, tasting, and sales), and applies different development standards to them. Specifically, the LCP requires that wineries that include such public uses be located

[3] And would require access across the adjacent landowner's property when such access is not clearly guaranteed in the County's approval.

within 1 mile of an arterial or collector road (CZLUO 23.08.042(d)(2)(ii)). A purpose of these special use standards is to concentrate urban type/commercial development within or contiguous to existing urban areas so as to avoid introducing such uses and development in rural agricultural areas where it could adversely impact the character and agricultural viability of such rural areas. In this case, the project is located beyond the LCP prescribed one-mile threshold, raising additional substantial issues.

The primary access to the winery is approximately 1.5 miles from the nearest arterial road, which in this case is Main Street. In its approval, the County waived this LCP requirement. The County justified the waiver of LCP requirements based on the results of a traffic study prepared for the project. The traffic study concluded that the condition of Santa Rosa Creek Road "is two-lane and striped from Main Street to the site, and the additional traffic that will result from the project will not significantly change the existing road service or traffic safety levels." While such traffic analysis may be appropriate, the County's reliance on such an analysis to waive the LCP's one-mile prohibition requirement both misses the key issue (i.e., keeping rural agricultural areas both rural and agricultural) and omits any analysis or discussion of the key finding required for such a waiver; namely that waiving the standard requires a finding that the standard is "unnecessary" or "ineffective", as required by CZLUO Section 23.08.012(b)(1).

Finally, the County-approved project includes supplemental non-agricultural uses in the form of special events at the site (e.g., corporate gatherings, weddings, etc.). Although the LCP allows for supplemental non-agricultural uses, such uses are only allowed subject to meeting specific criteria (including that the project concentrate urban development in or adjacent to existing urban areas with adequate public services, that continued or renewed agricultural use is not feasible, and that the conversion would not adversely affect adjacent agricultural uses). In addition, when such uses are allowed, the LCP requires that agricultural conservation easements be placed over the property to protect against its conversion, particularly due to conversion pressures associated with the supplemental non-agricultural uses themselves. In this case, the County's approval did not include an evaluation of the LCP's supplemental non-agricultural prerequisites, and it did not include an agricultural conservation easement as required by the LCP, raising additional substantial issues.

Thus, a substantial issue is raised with respect to the County-approved project's conformance with the LCP's agricultural protection policies, including with respect to special use standards specific to wineries and supplemental non-agricultural uses.

Water Quality

The Appellants contend that the project approved by San Luis Obispo County is inconsistent with the LCP's water quality protection standards.

The project would include increased impervious surface coverage, and three new vehicular access areas across which site runoff would flow. The proposed project also includes a commercial winery component, where crushing and bottling operations will produce a waste stream that could cause adverse impacts to sensitive habitats and other coastal resources if not appropriately handled and managed.

While the County did require the Applicant to submit a drainage plan and design an engineered wastewater system prior to project construction, there is little analysis of site specific conditions that are necessary to ensure that these systems will operate effectively and ensure protection of coastal resources. For example, the County approval does not address how or where the proposed land application of treated winery effluent would occur, and if the soils at certain locations are capable of adequately percolating effluent without harming groundwater resources. Likewise, and similar to the manner in which such discontiguous winery facilities lead to agricultural protection substantial issues (as discussed above), it appears that the project has not minimized impervious surfacing but rather has spread the facilities (and the related paved access roads, parking, etc.) across the site in a manner that appears to result in an excess of such coverage when lesser coverage and clustered alternatives appear to exist. In short, it is not clear that the County-approved site design has minimized impervious surfaces and related impacts to the degree possible, and there is uncertainty surrounding the County approved project and its ability to effectively protect coastal water quality overall consistent with the LCP.

Thus, a substantial issue is raised with respect to the County-approved project's conformance with the LCP's water quality protection policies.

Public Services

The Appellants contend that the County-approved project has not demonstrated adequate water supply and sewage disposal capacity.

The LCP includes policies to ensure that adequate public services are available for new development, and requires Applicants to produce evidence of service availability prior to permit issuance (LCP Policy 1). It should also be noted that under the LCP, existing or expanded agricultural uses are given highest priority for water extractions (see Agriculture Policy 7). Because the site is in a rural area not served by public utility infrastructure, water supply and wastewater treatment issues are those associated with ensuring there is adequate water supply and wastewater treatment.

Regarding water supply, the project's consultants estimate the annual water use for a 10,000 case winery operation (from growing the grapes through to bottling wine) to be 160,000 gallons or 0.5 acre-feet per year (afy).[4] These reports indicate that the conversion from irrigated row crops to vineyards will result in a reduction of overall historic water use on the site by an estimated 40 afy. Finally, based on a four-hour pump test, the existing agricultural well is rated for a sustained yield of 250 gallons per minute (gpm) or 403 afy (see Exhibit D).

In terms of the proposed sewage disposal system,[5] three additional part-time employees are expected to be working at the new winery operation (in addition to the existing residential and farm support use on

[4] Certain Appellants have provided their own set of data regarding anticipated water use for a 10,000 case winery operation that differs greatly from the numbers provided by the Applicants' consultants. These Appellants assert that the amount of water needed is actually ten times as great as the amount estimated by the project's consultants. However, these Appellants' do not provide data to support their assertions, and there is no other information in the file that supports their assertions. The Applicants' water reports appear to be reasonable, and are used as the context for evaluating water supply issues for the purpose of this report.

[5] As distinct from wine processing effluent which is discussed in the preceding water quality text.

the site). A standard septic system and leach field is proposed to serve the sewage needs of the new development. Based on a review of the site, it appears that adequate space is available to site septic systems (including leach fields) in such a way as to provide adequate separation from water resources and further avoiding disturbance and conversion of productive agricultural lands. In addition, a number of special conditions are included in the County's project approval to help ensure that adequate service capacities are available to serve the development.[6]

In this case, it appears that the existing water well is sufficient and that the proposed project will result in a net reduction in overall water use compared to historic levels.[7] Moreover, agricultural uses are given highest priority for water extractions under the LCP (see Agriculture Policy 7). In terms of sewage systems, it appears that ample space is available within the approved development envelope to site and design a sufficient standard septic system. In addition, appropriate agency sign-offs are included in the County's approval.

Thus, Appellant assertions with respect to adequate water supply and septic system capabilities do not raise a substantial issue.

C. Substantial Issue Determination Conclusion

The County-approved project raises substantial issues concerning compliance with the LCP standards designed to protect creek and riparian ESHA resources, agriculture, and water quality. As approved, new development would be allowed to within 70 feet of the onsite riparian corridor, when a 100-foot minimum setback is required by the LCP to adequately protect these resources, and the minimum required riparian ESHA setback has been adjusted downward without the proper findings. The County-approved project does not adequately maintain agricultural lands and does not adequately limit prime agricultural land conversion. The County-approved public tours, tasting, and sales are not allowed by the LCP at this location (and waiving the LCP's special use standards to allow for them is not appropriate), and the special events were authorized absent the required LCP analysis and agricultural conservation easements. Such special uses are not compatible with preserving rural character, protecting agricultural areas from incursion of inappropriate urban-type uses that could lead to (directly and indirectly) agricultural conversion, and addressing the LCP's fundamental priority objective of keeping rural agricultural areas rural and agricultural. Water quality impacts from site runoff and winery wastewater have also not been adequately addressed. In sum, although a certain type of winery project can be found consistent with the LCP at this location, issues are raised with the County approval because there are feasible, less environmentally damaging alternative project use, designs and configurations that better meet LCP requirements. Therefore, the Commission finds that **a substantial issue** exists with respect to the County-approved project's conformance with the certified San Luis Obispo County LCP and takes jurisdiction over the CDP application for the proposed project.

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[6] For example, at the time of application for construction permits, the Applicant is required to submit evidence that there is adequate water onsite to serve the project and that a septic system can be adequately installed (see County conditions 10 and 11), and County condition 12 requires the Applicant to pay all applicable school and public facilities fees.

[7] And this would still be the case even if certain Appellants higher water use numbers were used.

6. Coastal Development Permit Determination

The standard of review for this CDP determination is the San Luis Obispo County certified LCP. All Substantial Issue Determination findings above are incorporated herein by reference.

A. Environmentally Sensitive Habitat Area (ESHA)

As discussed, the proposed project does not comply with LCP policies and ordinances protecting coastal stream and riparian habitat ESHA, and special conditions are needed to bring the project into conformance with the LCP in this respect.

1. Applicable Policies

The LCP has multiple overlapping provisions that protect coastal streams and riparian habitat areas. One of the primary ways the LCP protects these areas is through the use of setbacks. The LCP's CZLUO provides a very specific set of setback standards for coastal stream and riparian ESHA, including standards for appropriate setback adjustments, and allowed uses within LCP prescribed setbacks. Applicable LCP policies and ordinances include:

> ***Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats****. New development within or adjacent to locations of environmentally sensitive habitats (within 100 feet unless sites further removed would significantly disrupt the habitat) shall not significantly disrupt the resource. Within an existing resource, only those uses dependent on such resources shall be allowed within the area. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.170-178 OF THE COASTAL ZONE LAND USE ORDINANCE (CZLUO).]*
>
> ***Policy 2: Permit Requirement****. As a condition of permit approval, the applicant is required to demonstrate that there will be no significant impact on sensitive habitats and that proposed development or activities will be consistent with the biological continuance of the habitat. This shall include an evaluation of the site prepared by a qualified professional which provides: a) the maximum feasible mitigation measures (where appropriate), and b) a program for monitoring and evaluating the effectiveness of mitigation measures where appropriate. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.170-178 OF THE CZLUO.]*
>
> ***Policy 3: Habitat Restoration****. The County or Coastal Commission should require restoration damaged habitats as a condition of approval when feasible. Detailed wetlands restoration criteria are discussed in Policy 11. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.170 OF THE CZLUO.]*
>
> ***Policy 20: Coastal Streams and Riparian Vegetation****. Coastal streams and adjoining riparian vegetation are environmentally sensitive habitat areas and the natural hydrological system and ecological function of coastal streams shall be protected and preserved. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.174 OF THE CZLUO.]*
>
> ***Policy 21: Development in or Adjacent to a Coastal Stream****. Development adjacent to or within*

the watershed (that portion within the coastal zone) shall be sited and designed to prevent impacts which would significantly degrade the coastal habitat and shall be compatible with the continuance of such habitat areas. This shall include evaluation of erosion and runoff concerns. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.174 OF THE CZLUO.]

***Policy 28: Buffer Zone for Riparian Habitats**. In rural areas (outside the USL) a buffer setback zone of 100 feet shall be established between any new development (including new agricultural development) and the upland edge of riparian habitats. In urban areas this minimum standard shall be 50 feet except where a lesser buffer is specifically permitted. The buffer zone shall be maintained in natural condition along the periphery of all streams. Permitted uses within the buffer strip shall be limited to passive recreational, educational or existing nonstructural agricultural developments in accordance with adopted best management practices. Other uses that may be found appropriate are limited to utility lines, pipelines drainage and flood control facilities, bridges and road approaches to bridges to cross a stream and roads when it can be demonstrated that: 1) alternative routes are infeasible or more environmentally damaging and 2) adverse environmental effects are mitigated to the maximum extent feasible. Lesser setbacks on existing parcels may be permitted if application of the minimum setback standard would render the parcel physically unusable for the principal permitted use. In allowing a reduction in the minimum setbacks, they shall be reduced only to the point at which a principal permitted use (as modified as much as is practical from a design standpoint) can be accommodated. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.174 OF THE CZLUO.]*

***CZLUO Section 23.07.174 - Streams and Riparian Vegetation**: Coastal streams and adjacent riparian areas are environmentally sensitive habitats. The provisions of this section are intended to preserve and protect the natural hydrological system and ecological functions of coastal streams.*

***a. Development adjacent to a coastal stream**. Development adjacent to a coastal stream shall be sited and designed to protect the habitat and shall be compatible with the continuance of such habitat.*

…

***d. Riparian setbacks**: New development shall be setback from the upland edge of riparian vegetation the maximum amount feasible. In the urban areas (inside the URL) this setback shall be a minimum of 50 feet. In the rural areas (outside the URL) this setback shall be a minimum of 100 feet. A larger setback will be preferable in both the urban and rural areas depending on parcel configuration, slope, vegetation types, habitat quality, water quality, and any other environmental consideration. These setback requirements do not apply to non-structural agricultural developments that incorporate adopted best management practices in accordance with LUP Policy 26 for Environmentally Sensitive Habitats.*

***(1) Permitted uses within the setback**: Permitted uses are limited to those specified in Section 23.07.172d (1) (for wetland setbacks), provided that the findings required by that*

section can be made. Additional permitted uses that are not required to satisfy those findings include pedestrian and equestrian trails, and non-structural agricultural uses.

All permitted development in or adjacent to streams, wetlands, and other aquatic habitats shall be designed and/or conditioned to prevent loss or disruption of the habitat, protect water quality, and maintain or enhance (when feasible) biological productivity. Design measures to be provided include, but are not limited to:

(i) *Flood control and other necessary instream work should be implemented in a manner than minimizes disturbance of natural drainage courses and vegetation.*

(ii) *Drainage control methods should be incorporated into projects in a manner that prevents erosion, sedimentation, and the discharge of harmful substances into aquatic habitats during and after construction.*

(2) Riparian habitat setback adjustment*: The minimum riparian setback may be adjusted through Minor Use Permit approval, but in no case shall structures be allowed closer than 10 feet from a stream bank, and provided the following findings can first be made:*

(i) *Alternative locations and routes are infeasible or more environmentally damaging; and*

(ii) *Adverse environmental effects are mitigated to the maximum extent feasible; and*

(iii) *The adjustment is necessary to allow a principal permitted use of the property and redesign of the proposed development would not allow the use with the standard setbacks; and*

(iv) *The adjustment is the minimum that would allow for the establishment of a principal permitted use.*

2. ESHA Analysis

The subject property contains coastal stream and riparian habitat ESHA. Santa Rosa Creek forms the southern property boundary, and two forks of an unnamed ephemeral tributary to Santa Rosa Creek flow across the property near the proposed disturbance area. The northern fork is north and west of the existing barn north of Santa Rosa Creek Road. The southern fork is channelized along the south side of Santa Rosa Creek road. Both forks contain intermittent willow canopy, with understory dominated by blackberry shrubs and English ivy. The riparian corridors are generally less than 20 feet wide. They are described by the Applicant's biologist as ephemeral drainages with no late season pool habitat or surface flow. The LCP maps Santa Rosa Creek and the onsite tributaries as a Sensitive Resource Area (SRA) requiring protection under the LCP.

According to the biological report for the project,[8] appropriate habitat is present on the property for seven special status animals: California red legged frog, southwestern pond turtle, two-striped garter snake, steelhead trout, Coast Range newt, Cooper's hawk, and yellow warbler. Although no special status animal species were observed on the property during surveys, steelhead trout were observed immediately adjacent to the property in Santa Rosa Creek in 2006. The riparian resources also provide habitat for a variety of nesting birds. A raptor nest was observed on the property in a eucalyptus tree along Santa Rosa Creek Road, but was not noted to be occupied during the surveys.

Both tributaries and their surrounding riparian vegetation are ESHA as defined in LCP Policy 20 and as mapped in the LCP. As required by LCP Policy 21, new development on the subject property must be designed to prevent impacts to and ensure the continuance of these habitat areas. Additionally, development setbacks are required by LCP Policy 28 and CZLUO Section 23.07.174 to be a minimum of 100 feet from the upland edge of riparian vegetation.

The LCP establishes a minimum setback of 100 feet for both on-site tributaries. Given the character of the resources here, including the width and species composition of the riparian zone, and considering the substantial disturbance already existing along the riparian corridor crossing the project site, a minimum buffer of 100 feet is appropriate and adequate for protecting the coastal stream and riparian ESHA resources at this location. Moreover, the degree of disturbance at this site creates the need for appropriate protection measures. To ensure the continuance of the habitat consistent with the LCP, enhancement and restoration measures must be included in the conditions of the permit that will include invasive vegetation removal and a specific landscape restoration plan. Thus, coupled with restoration and enhancement of the riparian corridor resource values, a 100-foot buffer should result in appropriate protection of the stream and riparian ESHA over time.

The County LCP has provisions to allow for reduction of riparian buffers under certain circumstances. In order to allow this buffer reduction, though, several findings must be made (CZLUO Section 23.07.174(d)(2)). The findings to support such a reduction cannot be made in this case. In order to reduce a minimum buffer, as the County did in its original approval, Section (i) of CZLUO Section 23.07.174(d)(2) requires that alternative locations and routes be found to be either infeasible or "more environmentally damaging" than the proposed project. In this case, there are feasible alternatives that can respect the minimum required 100-foot setback here. Specifically, there is adequate room to provide for a winery project that is clustered on the northern side of the property (north of Santa Rosa Creek Road), and located within a defined development envelope that respects the 100-foot setback (see Exhibit E). Although some existing road area would still be located within the buffer area, this area can be minimized (and is explicitly an allowed use because it is necessary to maintain an existing bridge crossing of the tributary). A modified building envelope such as this eliminates development south of the road (and issues associated with setbacks from the southern tributary),[9] and respects the 100-foot required buffer on the north side of the road. Santa Rosa Creek itself is also further away from any such

[8] *Biological Report for the Stolo Family Winery*, Althouse and Meade, Inc., October 2006.

[9] It also eliminates issues associated with the need to gain access across the adjacent (to the west) landowner's property to reach a wine processing facility sited south of Santa Rosa Creek Road under the original proposal.

development in this configuration. Furthermore, any residual impacts from such development can be appropriately addressed through LCP-required landscape restoration and enhancement in the corridor and setback area to improve its habitat value and functionality. Restoration and enhancement of the southern tributary is not required due to the relocation of development away from this resource (including to the opposite side of Santa Rosa Creek Road), thereby eliminating the potential for impacts in this area associated with the project. The Commission finds, therefore, that an alternative disturbance area is feasible and appropriate at this site, that an adjustment to the 100-foot minimum buffer requirement is not necessary, and that a redesign of the proposed project would allow a winery project that is consistent with the LCP's ESHA protection policies and setback requirements.

Even with the required buffers applied, new development in the approved development envelope could have impacts on the nearby stream and riparian ESHAs. Such impacts, associated with increased activity, noise and light from the new winery operation, could affect wildlife; potentially introduce non-native species into the riparian corridor; and could impact riparian species due to domestic animals and other unintentional human uses in the buffer areas. These types of impacts may occur to a certain degree regardless of the habitat buffers required by this approval, and would be an issue with any use of this site even if buffers were increased. As discussed below, siting and design requirements and landscape restoration, including the removal of invasives and the planting of vegetation to enhance riparian habitat, will avoid these impacts and appropriately mitigate for those that are unavoidable.

Project Modifications to Result in an Approvable Project

In order to approve the project consistent with the LCP, the Commission must apply several special conditions designed to protect and preserve the creek riparian ESHA as required by the LCP. The foundation for these conditions is Special Condition 1 that requires that the Applicants submit a revised set of final plans for the project showing all new development outside the 100-foot habitat setback areas. In other words, the condition allows for the non-sensitive portion of the site to be developed, and requires that the habitat areas be avoided and appropriately buffered. See Special Condition 1.

Building upon Special Condition 1, Special Condition 2 requires implementation of a landscape restoration and enhancement plan designed to enhance and restore riparian vegetation in the riparian corridor and required setback area outside of the developable area to ensure that the development does not disrupt these habitat resources, and to ensure that habitat and buffer area resource values are enhanced. This restoration and enhancement plan is meant primarily as a vegetation planting and removal (i.e., for non-natives and invasives) plan, where success must be documented after a period of at least three years wherein the site has been subject to no remediation or maintenance activities other than weeding (see Special Condition 2). Building upon this restoration/enhancement requirement and to help facilitate its success, subsections (c) and (d) of the same condition and subsection (c) of Special Condition 1 limit planting on the property, including within the allowed development envelope, to natives of local origin and prohibit invasive species. Special Condition 5 requires a lighting plan designed to ensure that exterior lighting is low profile and directed away from sensitive habitat areas to avoid impacts from project lighting (see Special Condition 5). Special Conditions 2 and 10 provide assurance that development in the riparian ESHA and ESHA setback areas of the site will be limited to

habitat restoration, enhancement, and management through application of a development prohibition and a deed restriction.

To further protect the sensitive habitats, Special Condition 3 requires a Drainage, Erosion and Sedimentation Control Plan that details the best management practices to be used on site during construction. Similarly, Special Condition 4 requires appropriate treatment and handling of winery effluent, including permanent improvements required to collect, filter, and treat runoff from the project to avoid drainage problems and enhance water quality, over the long-term. Similarly, Special Conditions 6 and 7 provide explicit construction requirements to protect riparian ESHA.

3. ESHA Conclusion

Santa Rosa Creek, the two onsite tributaries and their riparian corridors are ESHA under LUP Policy 20, CZLUO Section 23.07.174, and the LCP Combining Designation maps. A 100-foot setback as measured from the upland edge of the riparian vegetation is required by the LCP to adequately protect these resources. In this case, the 100-foot minimum required LCP setback is appropriate to protect these resources if accompanied by aggressive restoration and enhancement in the resource areas and in the 100-foot buffer area (see Exhibit F). The Commission finds that the project, as conditioned, is consistent with the LCP's riparian/ESHA protection policies. The Special Conditions applied to this permit approval together modify the project sufficiently to comply with the applicable policies and protect and enhance creek riparian ESHA.

B. Agriculture

As discussed, the proposed project does not comply with LCP policies protecting coastal agriculture, and special conditions are needed to bring the project into conformance with the LCP in this respect.

1. Applicable Policies

LCP agricultural land use policies applicable to the project include:

> ***Agriculture Policy 1: Maintaining Agricultural Lands****. Prime agricultural land shall be maintained, in or available for, agricultural production unless: 1) agricultural use is already severely limited by conflicts with urban uses; or 2) adequate public services are available to serve the expanded urban uses, and the conversion would preserve prime agricultural land or would complete a logical and viable neighborhood, thus contributing to the establishment of a stable urban/rural boundary; and 3) development on converted agricultural land will not diminish the productivity of adjacent prime agricultural land.*
>
> *Other lands (non-prime) suitable for agriculture shall be maintained in or available for agricultural production unless: 1) continued or renewed agricultural use is not feasible; or 2) conversion would preserve prime agricultural land or concentrate urban development within or contiguous to existing urban areas which have adequate public services to serve additional development; and 3) the permitted conversion will not adversely affect surrounding agricultural uses.*

All prime agricultural lands and other (non-prime) lands suitable for agriculture are designated in the land use element as Agriculture unless agricultural use is already limited by conflicts with urban uses.

***Permitted uses on Prime Agricultural Lands**. Principal permitted and allowable uses on prime agricultural lands are designated on Coastal Table O – Allowable Use Chart in Framework for Planning Document. These uses may be permitted where it can be demonstrated that no alternative building site exists except on the prime agricultural soils, that the least amount of prime soil possible is converted and that the use will not conflict with surrounding agricultural land and uses.*

***Permitted Uses on Non-Prime Agricultural Lands**. Principal permitted and allowable uses on non-prime agricultural lands are designated on Coastal Table O – Allowable Use Chart in Framework for Planning Document. These uses may be permitted where it can be demonstrated that no alternative building site exists except on non- agricultural soils, that the least amount of non-prime land possible is converted and that the use will not conflict with surrounding agricultural land and uses.[THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]*

***Agriculture Policy 3: Non-Agricultural Uses**. In agriculturally designated areas, all non-agricultural development which is proposed to supplement the agricultural use permitted in areas designated as agriculture shall be compatible with preserving a maximum amount of agricultural use. When continued agricultural use is not feasible without some supplemental use, priority shall be given to commercial recreation and low intensity visitor-serving uses allowed in Policy 1.*

Non-agricultural developments shall meet the following requirements:

***a**. No development is permitted on prime agricultural land. Development shall be permitted on non-prime land if it can be demonstrated that all agriculturally unsuitable land on the parcel has been developed or has been determined to be undevelopable.*

***b**. Continued or renewed agricultural use is not feasible as determined through economic studies of existing and potential agricultural use without the proposed supplemental use.*

***c**. The proposed use will allow for and support the continued use of the site as a productive agricultural unit and would preserve all prime agricultural lands.*

***d**. The proposed use will result in no adverse effect upon the continuance or establishment of agricultural uses on the remainder of the site or nearby and surrounding properties.*

***e**. Clearly defined buffer areas are provided between agricultural and non-agricultural uses.*

***f.** Adequate water resources are available to maintain habitat values and serve both the proposed development and existing and proposed agricultural operations.*

g. *Permitted development shall provide water and sanitary facilities on-site and no extension of urban sewer and water services shall be permitted, other than reclaimed water for agricultural enhancement.*

h. *The development proposal does not require a land division and includes a means of securing the remainder of the parcel(s) in agricultural use through agricultural easements. As a condition of approval of non-agricultural development, the county shall require the applicant to assure that the remainder of the parcel(s) be retained in agriculture and, if appropriate, open space use by the following methods:*

Agricultural Easement*. The applicant shall grant an easement to the county over all agricultural land shown on the site plan. This easement shall remain in effect for the life of the non-agricultural use and shall limit the use of the land covered by the easement to agriculture, non-residential use customarily accessory to agriculture, farm labor housing and a single-family home accessory to the agricultural use.*

Open Space Easement*. The applicant shall grant an open space easement to the county over all lands shown on the site plans as land unsuitable for agriculture, not a part of the approved development or determined to be undevelopable. The open space easement shall remain in effect for the life of the non-agricultural use and shall limit the use of the land to non-structural, open space uses.*

Development proposals shall include the following:

a. *A site plan for the ultimate development of the parcel(s) which indicates types, location, and if appropriate, phases of all non-agricultural development, all undevelopable, non-agricultural land and all land to be used for agricultural purposes. Total non-agricultural development area must not exceed 2% of the gross acreage of the parcel(s).*

b. *A demonstration that revenues to local government shall be equal to the public costs of providing necessary roads, water, sewers, fire and police protection.*

c. *A demonstration that the proposed development is sited and designed to protect habitat values and will be compatible with the scenic, rural character of the area.*

d. *Proposed development between the first public road and the sea shall clearly indicate the provisions for public access to and along the shoreline consistent with LUP policies for access in agricultural areas.*

[THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.050 OF THE CZLUO.]

Agriculture Policy 4: Siting of Structures. *A single-family residence and any accessory agricultural buildings necessary to agricultural use shall, where possible, be located on other than prime agricultural soils and shall incorporate whatever mitigation measures are necessary*

to reduce impacts on adjacent agricultural uses.[THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.050a. OF THE CZLUO.]

***Agriculture Policy 7: Water Supplies**. Water extractions consistent with habitat protection requirements shall give highest priority to preserving available supplies for existing or expanded agricultural uses. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD]*

***Definition of "Agricultural Accessory Structure":** An uninhabited structure or building designed and built to store farm animals, implements, supplies or products (not including commercial greenhouses which are included under "Nursery Specialties," or buildings for agricultural processing activities) that contains no residential use **and is not open to the public**. Also includes greenhouses engaged in agricultural research as the primary use. Agricultural Accessory Structures can also include but not be limited to wind and solar powered devices used for direct climate control, and water pumping or other conversion of wind or solar energy to mechanical or thermal power used on-site. Wind energy conversion machines for electric power generation are included under "Electric Generating Plants." Includes barns, grain elevators, silos, and other similar buildings and structures. (emphasis added)*

***Definition of "Ag Processing":** Establishments performing a variety of operations on crops after harvest, to prepare them for market on-site or further processing and packaging at a distance from the agricultural area including: alfalfa cubing; hay baling and cubing; corn shelling; drying of corn, rice, hay, fruits and vegetables; pre-cooling and packaging of fresh or farm-dried fruits and vegetables; grain cleaning and custom grinding; custom grist mills; custom milling of flour, feed and grain; sorting, grading and packing of fruits and vegetables; tree nut hulling and shelling; cotton ginning; **wineries**, alcohol fuel production; and receiving and processing of green material, other than that produced on-site (Commercial Composting). Green material is any wastes which are derived from plant material, including but not limited to leaves, grass clippings, weeds, tree trimmings or shrubbery cuttings. Note: any of the above activities performed in the field with mobile equipment not involving permanent buildings (with the exception of receiving and processing of green material) are included under "Crop Production and Grazing." (emphasis added)*

***23.04.050(b)(1) Supplemental Non-Agricultural Uses Defined.** Uses allowed by Coastal Table "O" in the Agriculture category that are not directly related to the principal agricultural use on the site. (Example: where crop production or grazing are the principal agricultural use of a parcel, petroleum extraction, mining or rural sports and group facilities may be allowed as supplemental non-agricultural uses consistent with this section.)*

***23.08.010 Special Use Standards Purpose.** The purpose of this chapter is to establish special additional standards for certain land uses that may affect adjacent properties, the neighborhood, or the community even if the uniform standards of Chapter 23.04 and all other standards of this title are met. Such uses are defined as "S" and "S-P" uses by Coastal Table O, Chapter 7, Part I of the Land Use Element. It is the intent of this chapter to establish appropriate standards for permit processing, and the location, design, and operation of special uses, to avoid their*

creating unanticipated problems or hazards, and to assure they will be consistent with the general plan.

23.08.012 Applicability of Standards for Special Uses. *Standards in this chapter are related to the special characteristics of the uses discussed and unless otherwise noted, apply to developments in addition to all other applicable standards of this title, and all applicable planning area standards of the Land Use Element. Any land use subject to this chapter shall comply with the provisions of this chapter for the duration of the use.*

a. Conflicts with other provisions*. In cases where the provisions of this chapter conflict with other applicable requirements of this title or the Land Use Element, the following rules apply:*

(i) *If the standards of this chapter conflict with the provisions of Chapters 23.02, 23.03, 23.04, 23.05 or 23.06, these standards prevail, except as otherwise provided by Section 23.08.014.*

(ii) *If a use is subject to more than one section of this chapter, the most restrictive standards apply.*

(iii) *Where planning area standards (Part II of the Land Use Element or policies adopted as standards in the LCP Policies Document) conflict with the provisions of this chapter, the planning area standards or LCP Policies (as applicable) shall prevail.*

b. Exceptions to special use standards*. The standards of this chapter may be waived or modified through Development Plan approval, except where otherwise provided by this chapter and except for standards relating to residential density or limitations on the duration of a use (unless specific provisions of this chapter allow their modification). Waiver or modification of standards shall be granted through Development Plan approval (Section 23.02.034) only where the Planning Commission first makes findings that:*

(1) *Set forth the necessity for modification or waiver of standards by identifying the specific conditions of the site and/or vicinity which make standard unnecessary or ineffective.*

(2) *Identify the specific standards of this chapter being waived or modified.*

(3) *The project, including the proposed modifications to the standards of this chapter, will satisfy all mandatory findings required for Development Plan approval by Section 23.02.034c(4) of this title.*

In no case, however, shall any standard of this chapter be reduced beyond the minimum standards of the other chapters of this title, except through Variance (Section 23.01.045).

23.08.040 Specialized Agricultural Uses. Agricultural Uses - Specialized (S-3): *Specialized agricultural uses other than crop production which are identified as allowable S-3 uses (see*

Table O, Part I of the Land Use Element), are subject to the provisions of the following sections:

23.08.041 Agricultural Accessory Structures

23.08.042 Agricultural Processing Uses

23.08.045 Aquaculture

23.08.046 Animal Raising and Keeping

23.08.048 Farm Equipment and Supplies

23.08.050 Interim Agricultural Uses (S-18)

23.08.052 Specialized Animal Facilities

23.08.054 Nursery Specialties

23.08.056 Roadside Stands

***23.08.042 Agricultural Processing Uses**. Agricultural processing activities as defined by the Land Use Element, including but not limited to packing and processing plants and fertilizer plants, are allowable subject to the following:*

***a. General permit requirements.** The permit requirement for an agricultural processing use is determined by Section 23.03.042, Table 3-A (Permit Requirements, for Manufacturing & Processing uses), unless the permit requirement is set by the standards for specific uses in subsection d of this section.*

***b. Application content.** Applications for agricultural processing uses within an urban or village reserve line, are to include a description of all processes and equipment proposed for use on the site, and a description of measures proposed to minimize the off-site effects of dust, odor or noise generated by the proposed operation. Such information is to be provided in addition to that specified in Chapter 23.02 (Permit Applications), in order to evaluate the conformity of a proposed use with the standards of Chapter 23.06 (Operational Standards).*

***c. Minimum site area.** No minimum required.*

d. Standards for specific uses.

…

(2) Wineries.

***(i) Permit requirements.** As provided by Sections 23.03.040 et seq. (Permit Requirements-Industrial Uses), provided that Minor Use Permit approval is required where on-site public tours, tasting or retail sales are provided.*

***(ii) Access location.** The principal access driveway to a winery with public tours, tasting or retail sales is to be located on or within one mile of an arterial or collector.*

(iii) Solid waste disposal. *Pomace may be used as fertilizer or soil amendment, provided that such use or other disposal shall occur in accordance with applicable Health Department standards.*

(iv) Liquid waste disposal. *Standards will be set, where applicable, through Regional Water Quality Control Board discharge requirements developed pursuant to Section 23.06.100 (Water Quality).*

(v) Setbacks. *100 ft. from each property line in rural areas; as required by Sections 23.04.100 et seq. in urban areas.*

(vii) Signing. *As provided by Sections 23.04.306b(1) and 23.04.310 of this title.*

2. Agriculture Analysis

Agricultural Land Protection

The project includes an existing 8.4 acre vineyard and 1.2 acres planted in avocadoes, both located north of Santa Rosa Creek Road on a portion of the property at its highest elevation (just north of the existing residential compound area). In addition, there are approximately 3 acres of (non-planted) prime agricultural land located north of Santa Rosa Creek at a lower elevation and located between the northern Santa Rosa Creek tributary and Santa Rosa Creek Road, adjacent to the existing barn. Although the soils in this location are considered prime, they are less attractive for crops due to the limited acreage, its configuration (in relation to existing development, the road, and the higher elevation portion of the property), and its separation from other farmed areas, including by virtue of Santa Rosa Creek Road. This area is not currently being farmed. Conversely, the majority of the portion of the property south of Santa Rosa Creek Road is currently in agricultural production. This portion of the property contains approximately 33 acres of prime agricultural soils, as well as a small area (approximately 2.5 acres nearest Santa Rosa Creek) identified as non-prime soils.

As described previously, the proposed project includes winery buildings located at discontiguous portions of the site, and in some areas locates structures on prime agricultural soils. Site plans show the proposed wine tasting room, office, new driveways and parking areas to be located on prime agricultural soils. Alternative locations are available that better maintain and keep available agricultural land for agricultural production. In short, the proposed project locates new development on designated prime agricultural land under cultivation currently when other less viable and less agriculturally attractive land is available, inconsistent with the LCP's agricultural protection policies.

Wineries

Under the LCP, a winery is a specialized agricultural processing use subject to specific special use standards (CZLUO Chapter 23.08.012 and Sections 23.08.040 and 23.08.042(d)(2)), including with respect to locational restrictions requiring wineries with on-site public tours, tasting, or retail sales to be located within one-mile of an arterial or collector road (CZLUO Section 23.08.042(d)(2)(ii)). Thus, the LCP clearly distinguishes between winery operations that are focused solely on grape processing versus

winery operations that are open to the public (for tours, tasting, and sales), and applies different development standards to them. In all cases (public tours, sales, tasting and not), wineries are considered discretionary, special uses within the agricultural land use category under the LCP. In addition, to ensure protection of such areas when considering such special uses, the LCP requires a variety of special siting and design standards to be applied to ensure that the LCP's fundamental objective of protecting rural and agricultural lands is achieved with such projects. One such special standard is that, pursuant to CZLUO Section 23.08.042(d)(2)(ii), the principal access driveway to a winery that includes public use components must be located on or within one mile of an arterial or collector road.[10] In this case, Santa Rosa Creek Road is not considered by the LCP to be an arterial road or a collector road. The nearest arterial or collector road is Main Street (considered by the LCP to be an arterial road). Main Street is located 1.5 miles from the proposed principal accessway to the winery. As such, the public tours, sales, and tasting proposed are not allowed at this location per LCP.

That said, the LCP does allow for exceptions to the special use standards, such as the one-mile prohibition. CZLUO Section 23.08.012(b)(1) ("Exceptions to Special Use Standards") states that the required special use standards may be waived or modified only if the approving body makes findings that:

> *Set forth the necessity for modification or waiver of standards by identifying the specific conditions of the site and/or vicinity which make standards unnecessary or ineffective.*

Thus, the operative LCP requirement in this respect to allow for a waiver of a special use standard is that the standard is "unnecessary" or "ineffective" in a particular case. In this case the application of the one-mile prohibition on a winery with public tours, tastings, and sales is appropriate so as to meet the primary LCP objective of keeping urban style uses away from rural agricultural areas such as this site, including to concentrate urban development and maintain a stable urban/rural boundary. This site is, by LCP definition, outside of the USL and URL and in an LCP-defined "rural" area where the character of the area is clearly rural and agrarian. It is inappropriate to introduce special public retail uses at this location where such uses will explicitly change the character of the area, bringing urban-style development and activities into a rural and agricultural area to the detriment of rural and agricultural resource values and operations. In other words, the one-mile special use standard is both necessary and effective in this case to meet LCP objectives in this respect.

In addition, and on a cumulative basis, if these provisions are waived in this case it is reasonable to presume they could also be waived in others like it, leading to a potential proliferation of retail-style wineries in this rural area (and others in the County) that are also allowed to bring additional commercial type uses into rural agricultural areas. As far as the Commission is aware, this application is

[10] The LCP defines Urban/Rural Arterial Roads as: *A road that carries traffic between principal arterial roads, centers of population, or carries large volumes of traffic within an urban or rural area. Arterials are not intended to provide primary access to residences and are best used for controlled access to areas of retail and service commercial uses, industrial facilities and major community facilities. (Divided – 108-foot R/W) (Undivided – 92-foot R/W).* The LCP defines Urban/Rural Collector Roads as: *A road that enables traffic to move to and from local roads, arterial roads and activity centers. Collectors are the principal arterial of residential areas and carry a relatively high volume of traffic. A collector also has the potential for sustaining minor retail establishments. Limits on residential driveway access should be based upon traffic volumes, parcel sizes, and sight distances (60-foot R/W).*

the first new winery project of this type in the County's coastal zone in the last roughly two decades,[11] and the second overall in the County's coastal zone,[12] and as such its importance is intensified in that respect, including in terms of the potential for a decision here to be seen as indicative of the Commission's position on such projects more generally, and the way in which this could lead to cumulative adverse rural and agricultural impacts of the type identified for this specific case. Experience with projects outside the coastal zone in San Luis Obispo County indicates that these types of retail-style wineries (with public tours, tasting, and sales) have significantly and adversely altered the rural and agricultural resource values and character of these areas, and such experience can provide a relevant cautionary tale for proposals inside the coastal zone such as this case. In short, it is also not appropriate to waive the one-mile prohibition standard due to its potential for cumulative impacts of the same sort associated with this individual case but on a broader scale. The intent of the provision is to protect rural agricultural lands and an exception to allow a retail-style winery with public tours, wine tasting, and retail sales runs counter to that LCP objective.

Special Events

The proposed project also includes the provision for on-site special events. These special events are not agricultural uses under the LCP. Agriculture Policies 1 and 3 are aimed at maintaining agricultural lands by limiting conversions of agricultural lands to those situations where agricultural use is no longer feasible or where such conversion would concentrate development or preserve prime agricultural soils elsewhere. Supplemental non-agricultural uses are required to meet strict criteria (e.g., the project concentrates urban development in or adjacent to existing urban areas with adequate public services, that continued or renewed agricultural use is not feasible, and that the conversion would not adversely affect adjacent agricultural uses). These provisions reflect another manifestation of the LCP's primary objective to keep rural agricultural lands rural and agricultural. Accordingly, these policies set a high standard for allowing non-agricultural uses on agricultural lands. In this case, no showing has been made that continued (or even renewed/different) agriculture is not feasible, or that conversion/supplemental non-agricultural uses are necessary for continued agricultural viability at this location (Policy 3). Moreover, and as with the public-retail component of the proposed project as discussed above, use patterns associated with such special events will only exacerbate the change in character at this location, impacting overall rural agricultural values in the area. The proposed special events are not consistent with the LCP.[13]

Project Modifications to Result in an Approvable Project

Rural agricultural lands are a finite resource for which the LCP demands the highest level of protection.

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[11] Conversely, the County has seen an intensification of the development of such public-retail wineries outside of the coastal zone.

[12] In 1992, the County approved a winery in unincorporated Harmony just off of Highway One (about 1,000 feet to the east) and Harmony Valley Road (County CDP D910086P). That winery remains open and operational today.

[13] The Commission adopted similar findings in denying weddings as a special supplemental non-agricultural use in the Scoggins case (Appeal A-3-SLO-98-025; CDP denied in 1998). Likewise, when confronted with an application to establish a bed and breakfast on agricultural property in the Crowther case (Appeal A-3-SLO-00-156; CDP conditionally approved by the Commission in 2004), the Commission found the project necessary to supplement continued agriculture on the site, but required all remaining agricultural land to be placed in an agricultural easement as a condition of approval.

In order to find the project consistent with the LCP's agricultural protection policies, the project must be modified. First, public tours, tasting, and sales, and special events, must be omitted to from the project in order for the Commission to find the project LCP consistent (see Special Condition 8). In that way, the winery project is made to be a special agricultural processing use that can be found LCP consistent if sited and designed appropriately to avoid agricultural impacts otherwise and to facilitate agricultural viability overall.

Second, it is clear that there are alternative siting options available that will allow for a winery project (see also below), that better addresses agricultural land protection and viability requirements. Fortunately, such alternative siting readily dovetails with that necessary for finding ESHA/ESHA setback consistency as discussed in the preceding finding. In other words, clustering allowed development on the north side of Santa Rosa Creek Road (as also required for ESHA consistency) avoids impacting any agricultural land on the southern side of the road, and provides for allowed development in an area of the property that is less attractive for crop farming so as to best protect agricultural values over the whole of the site. Thus, all new development (i.e., the wine processing facility, barrel storage, winery office, and parking areas) must be moved to the north side of Santa Rosa Creek Road (see Special Condition 1).

3. Agriculture Conclusion

The project site is an existing agricultural site in a rural and agricultural area outside of the USL and URL in LCP-defined rural lands. A winery project that is stripped back to a winery operation focused on growing grapes and processing them through to bottled wine ready for sale (eliminating special events, wine tasting, and the public-retail components) can be considered an appropriate agricultural processing use at this location if it is sited and designed to protect agricultural lands, including by clustering new winery development in the least attractive farming areas of the site. As conditioned, an alternative winery project can be designed to minimize (and to the extent feasible eliminate) agricultural impacts, and can be found consistent with the LCP agriculture protection polices as cited in this finding.

C. Water Quality

1. Applicable Policies

Policy 1: Preservation of Groundwater Basins. *The long-term integrity of groundwater basins within the coastal zone shall be protected. The safe yield of the groundwater basin, including return and retained water, shall not be exceeded except as part of a conjunctive use or resource management program which assures that the biological productivity of aquatic habitats are not significantly adversely impacted. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]*

Policy 6: Priority for Agriculture Expansion. *Agriculture shall be given priority over other land uses to ensure that existing and potential agricultural viability is preserved, consistent with protection of aquatic habitats. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]*

Policy 8: Timing of Construction and Grading. *Land clearing and grading shall be avoided*

during the rainy season if there is a potential for serious erosion and sedimentation problems. All slope and erosion control measures should be in place before the start of the rainy season. Soil exposure should be kept to the smallest area and the shortest feasible period. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.05.036 OF THE CZLUO.]

Policy 9: Techniques for Minimizing Sedimentation. *Appropriate control measures (such as sediment basins, terracing, hydro-mulching, etc.) shall be used to minimize erosion and sedimentation. Measures should be utilized from the start of site preparation. Selection of appropriate control measures shall be based on evaluation of the development's design, site conditions, predevelopment erosion rates, environmental sensitivity of the adjacent areas and also consider costs of on-going maintenance. A site specific erosion control plan shall be prepared by a qualified soil scientist or other qualified professional. To the extent feasible, non-structural erosion techniques, including the use of native species of plants, shall be preferred to control run-off and reduce increased sedimentation. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.05.036 OF THE CZLUO.]*

Policy 10: Drainage Provisions. *Site design shall ensure that drainage does not increase erosion. This may be achieved either through on-site drainage retention, or conveyance to storm drains or suitable watercourses. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD AND PURSUANT TO SECTION 23.05.034 OF THE CZLUO.]*

2. Water Quality Analysis

Runoff

As previously described, the proposed project is sited adjacent to two ephemeral tributaries to Santa Rosa Creek and their associated riparian corridors. As proposed, the project would include increased impervious surface coverage, and new vehicular access areas across which runoff would flow. Runoff from the site would be expected to contain typical runoff pollutants associated with development, including those associated with vehicular use areas. Urban runoff is known to carry a wide range of pollutants including nutrients, sediments, trash and debris, heavy metals, pathogens, petroleum hydrocarbons, and synthetic organics (such as pesticides and herbicides).[14] Urban runoff can also alter the physical, chemical, and biological characteristics of water bodies to the detriment of aquatic and terrestrial organisms. Runoff that flows directly to the tributaries, then to Santa Rosa Creek, and then to the Pacific Ocean is expected to negatively impact creek and ocean resources.

To avoid potential water quality impacts in this respect, setbacks have been incorporated by special condition into the project approval to keep development away from the biological resources on the

[14] Pollutants of concern found in urban runoff include, but are not limited to: sediments; nutrients (nitrogen, phosphorous, etc.); pathogens (bacteria, viruses, etc.); oxygen demanding substances (plant debris, animal wastes, etc.); petroleum hydrocarbons (oil, grease, solvents, etc.); heavy metals (lead, zinc, cadmium, copper, etc.); toxic pollutants; floatables (litter, yard wastes, etc.); synthetic organics (pesticides, herbicides, PCBs, etc.); and physical changes (including to freshwater, salinity, temperature, and dissolved oxygen).

ground, and a clustered development envelope has been identified that further minimizes coverage and impervious surfacing (see previous riparian/ESHA and agricultural findings). Through this new clustered approach, potential water quality impacts associated with runoff can be minimized. In addition, existing bare areas will be revegetated as part of the riparian area enhancement, allowing for runoff to better percolate as opposed to running off, including running off with increased sediment loads as is the case now. These previously required conditions (for LCP ESHA and agriculture consistency) are also required for LCP water quality policy conformance (see Special Conditions 1 and 2). In addition, to ensure water quality protection, all runoff must be filtered and treated to remove pollutants (see Special Condition 3).

Thus, the project as conditioned will adequately prevent any harmful runoff effects by locating the project at an appropriate distance from the creek and its tributaries, and collecting, filtering, and treating all site runoff per the conditions of this approval. In addition, to address potential construction impacts, specific construction BMPs are required (see Special Conditions 3, 6, and 7). These conditions will allow the approved project to minimize harmful impacts to riparian and related ESHA resources that may result from increased run-off, erosion or sedimentation.

Winery Effluent

Water quality can be impacted due to potential contaminants in the waste stream generated by the proposed grape processing and wine bottling operation. In particular, such specialized waste stream is known to include nitrogen, phosphorus, and potassium. These substances have been shown to have the potential to cause excess algae to grow in receiving stream waters, making the stream less favorable for steelhead and other aquatic species. Excess potassium in the waste stream can result in reduced effectiveness of any land-based disposal, and can impact receiving waters, including with respect to surface and groundwater. Given the high value of such resources nearby, including specifically Santa Rosa Creek on the southern edge of the property, proper wastewater treatment is critical with a project like this, particularly given that the project proposes reuse of treated effluent for crop irrigation.

In order to address this issue, two fundamental components need to be addressed: siting and appropriate treatment. With respect to siting, fortunately the requirements to address ESHA, agriculture, and runoff issues by clustering development north of Santa Rosa Creek Road likewise serve to move development much further away from Santa Rosa Creek. Likewise, clustering development within an envelope that is outside of the required 100-foot ESHA setback areas addresses siting issues with respect to the ephemeral tributaries by moving such development an appropriate distance from these resources.

With respect to treatment, the Regional Water Quality Control Board (RWQCB) has specific standards for such winery operations (including effluent reuse), and the Applicants indicate that they intend to comply with RWQCB requirements in this respect. So long as these requirements serve to clearly protect surface and subsurface water quality (including ESHA/riparian resources on and off site), then such requirements can be relied upon to adequately protect water quality as required by the LCP. There is little in the record to indicate that such standards would be insufficient in this regard. Thus, to further protect coastal water quality, Special Condition 4 requires a Winery Effluent Disposal and Reuse Plan that details necessary parameters and implementation measures to be incorporated into the project. The

goal of the plan is to adequately filter and treat effluent from the processing operations, and to use the reclaimed/treated winery effluent (and organic materials, provided consistent with protecting agricultural resources) on-site in a manner that protects the quality of surface and subsurface water resources, as well as creek and riparian habitats on and offsite. Such plan requires RWQCB sign off. Special Condition 4 requires appropriate treatment and handling of winery effluent, including permanent improvements required to collect, filter, and treat effluent from the project to avoid drainage problems and enhance water quality.

3. Water Quality Conclusion

As conditioned, the project will be appropriately sited and designed to avoid water quality problems, and will include appropriate filtration and treatment safeguards to adequately address runoff and effluent issues as required by the LCP. Reuse of filtered and treated effluent should further reduce irrigation needs (and issues associated with water use), and reuse of solids as a soil amendment, as appropriate, will likewise serve to reduce the amount of solids needing disposal and/or the need for soil amendment otherwise. Such reuse strategies will help to reduce the impacts of the project on an overall basis, and is to be encouraged where it is appropriate. As conditioned, the project is consistent with the LCP water quality protection policies as cited in this finding.

D. Visual and Scenic Resources

1. Applicable Policies

Policy 1: Protection of Visual and Scenic Resources. *Unique and attractive features of the landscape, including but not limited to unusual landforms, scenic vistas and sensitive habitats are to be preserved, protected, and in visually degraded areas restored where feasible.*

Policy 2: Site Selection for New Development. *Permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas. Where possible, site selection for new development is to emphasize locations not visible from major public view corridors. In particular, new development should utilize slope created "pockets" to shield development and minimize visual intrusion.*

Policy 4: New Development in Rural Areas. *New development shall be sited to minimize its visibility from public view corridors. Structures shall be designed (height, bulk, style) to be subordinate to, and blend with, the rural character of the area. New development which cannot be sited outside of public view corridors is to be screened utilizing native vegetation; however, such vegetation, when mature, must also be selected and sited in such a manner as to not obstruct major public views.*

Policy 5: Landform Alteration. *Grading, earthmoving, major vegetation removal and other landform alterations within public view corridors are to be minimized. Where feasible, contours of the finished surface are to blend with adjacent natural terrain to achieve a consistent grade and natural appearance.*

2. Visual and Scenic Resource Analysis

The visual character along Santa Rosa Creek Road is highly scenic, and includes views of agricultural areas, riparian corridors, and undeveloped hillsides. Scattered development is rural in character, including farm houses, older barns, and other agricultural accessory structures. Santa Rosa Creek Road winds through this area, generally following the meander of Santa Rosa Creek, allowing travelers glimpses of working farms and open rural vistas.

The area proposed for development is visible for roughly 500 feet as seen from the eastbound travel lane of Santa Rosa Creek Road, and for roughly 600 feet as seen from the westbound travel lane. Riparian vegetation along the southern edge of Santa Rosa Creek Road obstructs views of the southern portion of the site. The most prominent view is of the existing barn, which is proposed to be remodeled. The new barn is to be of similar size, mass and design of the existing barn. As proposed, a new tasting room, access road, and parking area would be introduced in the eastern portion of the site north of Santa Rosa Creek Road. South of the road, the new processing facility would be present. All of these new structures would introduce significant new development into the public viewshed, albeit somewhat dispersed and, in the case of the processing facility on the south side of the road, somewhat screened from general view due to existing vegetation along the road.

In short, the proposed winery project would be intermittently visible within the public viewshed and if not designed properly could have significant impacts on the rural agrarian character of the project site. In particular, the urban-retail nature of it and the new buildings have the potential to introduce a more polished facade into the area that would conflict with existing rural agrarian visual resource values. Use patterns associated with such a public-retail operations, as well as those associated with the special events proposed, would only exacerbate such problems. In addition, night lighting could result in light and glare affecting the night sky.

Due to ESHA, agricultural, and water quality concerns and issues, all winery related development must be confined to a development envelope north of the road (see previous findings). Although this serves to address these issues, it also increases the potential for visual impacts inasmuch as the development envelope runs somewhat along the road, and is nearer to it to meet 100-foot ESHA buffer requirement on the north of the envelope. The potential for these impacts is reduced by the elimination of the public-retail and special event components of the project to address ESHA, agricultural, and water quality issues; their elimination is also important for addressing visual/character concerns as well. Remaining visual appropriate siting and design remains critical.

To minimize the project's impact on the visual character of the area, special conditions are included that require the use of appropriate designs and materials that blend with the surrounding agricultural nature of the area. Height limitations for new buildings are carried over from the County's approval (maximum height for the wine processing facility is 25 feet from average natural grade and maximum height of the refurbished barn is 35 feet from average natural grade), and the design and appearance of the development must reflect a rural agricultural theme (i.e., simple and utilitarian lines and materials, including use of board and bats, corrugated metal, muted earth tone colors, etc.) with all new buildings to be designed to appear as agricultural structures. Special conditions also require implementation of a

comprehensive landscape plan including the use of native shrubs and trees adjacent to new structures to provide visual screening and softening of the view of such development as seen from Santa Rosa Creek Road.[15] In addition, special conditions require that all exterior lighting be shielded and directed towards the ground, and that all industrial in appearance winery components (e.g., effluent holding tanks, etc.) be located in the least visible portions of the site and screened from public view. See Special Conditions 4 and 1(b).

3. Visual and Scenic Resource Conclusion

As conditioned, the winery operation will be completely confined north of Santa Rosa Creek Road and designed to emulate agricultural development in the area as a means for protecting and maintaining visual character and continuity in this rural agrarian area. As conditioned, the project is consistent with the LCP visual and scenic resources policies as cited in this finding.

7. Coastal Development Permit Conditions of Approval

A. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

B. Special Conditions

1. **Final Project Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the

[15] Such landscaping is not intended to require a complete vegetative screen to completely hide such structures and development, rather such landscaping is intended to help soften and somewhat filter public views from Santa Rosa Creek Road consistent with views of typical agricultural development in the area.

Permittee shall submit two copies of Final Project Plans to the Executive Director for review and approval. The Final Project Plans shall be substantially in conformance with the plans submitted to the Coastal Commission (titled *Coastal Development Permit Site Plan – Sheet DPI*, by MW Architects, Inc, and received November 4, 2009 in the Commission's Central Coast District Office) except that they shall be revised and supplemented to comply with the following requirements:

(a) Approved Development Envelope. All development (including but not limited to barn, driveways, parking areas, drainage systems, processing facilities, storage tanks, and septic systems) shall be located on the north side of Santa Rosa Creek Road within the development envelope and in the general configuration shown on Exhibit E (*Coastal Development Permit Site Plan – Sheet DPI*, by MW Architects, Inc, and received November 4, 2009 in the Commission's Central Coast District Office*)*. Development shall be prohibited outside of the approved development envelope except for habitat restoration related development (see special condition 2 below), approved landscaping, and road/parking access as shown on Exhibit E.

(b) Building and Structure Design. The design and appearance of development shall reflect a rural agricultural theme (i.e., simple and utilitarian lines and materials, including use of board and bats, corrugated metal, muted earth tone colors, etc.). The plans shall clearly identify all measures that will be applied to ensure such design aesthetic is achieved, including with respect to all structures and all other project elements within view of Santa Rosa Creek Road (e.g., walkways, paved areas, railings, benches, tables, chairs, lighting, signs, landscaping, etc.). To the maximum extent feasible, storage tanks shall be located so as not to be visible from Santa Rosa Creek Road. At a minimum, the plans shall clearly identify all structural elements, materials, and finishes (including through site plans and elevations, materials palettes and representative photos, product brochures, etc.). The maximum height of the winery structure shall be 25 feet from average natural grade. The maximum height of the reconstructed barn structure shall be 35 feet from average natural grade.

(c) Landscape Plans. Final Plans shall include landscape and irrigation parameters that shall identify all plant materials (size, species, quantity), all irrigation systems, and all proposed maintenance. All plant materials shall be native and non-invasive species selected to be complimentary with the mix of native habitats in the project vicinity, prevent the spread of exotic invasive plant species, and avoid contamination of the local native plant community gene pool. The landscape plans shall also be designed to protect and enhance native plant communities on and adjacent to the site, including required restoration and enhancement areas, and to provide a transitional buffer between native habitat areas and authorized development. Landscaping (at maturity) shall also be capable of partial/mottled screening and softening the appearance of new development as seen from Santa Rosa Creek Road as much as possible. All landscaped areas on the project site shall be continuously maintained by the Permittee; all plant material shall be continuously maintained in a litter-free, weed-free, and healthy growing condition. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be so identified from time to time by the State of California, and no plant species listed as a 'noxious weed' by the State of California or the U.S.

Federal Government shall be planted or allowed to naturalize or persist in the approved development envelope area.

(d) Parking. Parking shall be limited to the north side of Santa Rosa Creek Road.

The Permittee shall undertake development in accordance with the approved Final Project Plans.

2. **Landscape Restoration and Enhancement Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two copies of a Landscape Restoration and Enhancement Plan (LREP) to the Executive Director for review and approval.

The LREP shall provide for riparian corridor landscape restoration and enhancement for the tributary extending along the north side of the project area to Santa Rosa Creek Road and its 100-foot buffer area (see Exhibit F), with riparian restoration and enhancement along the immediate stream channel area (i.e., roughly 10 feet in width) and transitional landscaping (riparian and related species transitioning to landscaping adjacent to development areas) extending to the 100-foot buffer edge. The goal of the LREP shall be enhancing and restoring the immediate stream channel area to a self-sustaining natural habitat state buffered by the transitional plantings. The LREP shall be prepared by a qualified restoration ecologist, and shall take into account the specific condition of the site (including soil, exposure, water flows, temperature, moisture, wind, etc.), as well as restoration and enhancement goals. At a minimum, the plan shall provide for the following:

(a) A baseline assessment, including photographs, of the current physical and ecological condition of the restoration and enhancement area.

(b) A description of the goals and measurable success criteria of the plan, including, at a minimum, the requirement that success be determined after a period of at least three years wherein the site has been subject to no remediation or maintenance activities other than weeding, and that this condition be maintained in perpetuity.

(c) Removal of invasive and non-native plant species within the restoration area and development envelope.

(d) Planting of native species of local stock appropriate to the riparian corridor in this area. Non-native and/or invasive plant species shall be prohibited. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be so identified from time to time by the State of California, and no plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be planted or allowed to naturalize or persist in the restoration and enhancement area.

(e) Monitoring and maintenance provisions including a schedule of the proposed monitoring and maintenance activities to ensure that success criteria are achieved.

(f) Provision for submission of annual reports of monitoring results to the Executive Director, beginning the first year after completion of the restoration effort and concluding once success

criteria have been achieved. Each report shall document the condition of the site area with photographs taken from the same fixed points in the same directions, shall describe the progress towards reaching the success criteria of the plan, and shall make recommendations, if any, on changes necessary to achieve success.

The Permittee shall undertake development in accordance with the approved Landscape Restoration and Enhancement Plan.

The Landscape Restoration and Enhancement Plan shall be implemented during construction as directed by a qualified restoration ecologist, and initial planting and non-native/invasive plant removal shall be completed prior to commencement of operation of the winery facility.

3. **Final Drainage, Erosion, and Sedimentation Control Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two copies of Final Drainage, Erosion, and Sedimentation Control Plans to the Executive Director for review and approval. The Final Plans shall include the following:

   (a) Implementation of Best Management Practices During Construction. The Drainage, Erosion and Sedimentation Control Plans shall identify the type and location of the measures that will be implemented during construction to prevent erosion, sedimentation, and the discharge of pollutants during construction. These measures shall be selected and designed in accordance with the California Storm Water Best Management Practices Handbook and the criteria established by the San Luis Obispo County Resource Conservation District. Among these measures, the plans shall limit the extent of land disturbance to the minimum amount necessary to construct the project; designate areas for the staging of construction equipment and materials, including receptacles and temporary stockpiles of graded materials, which shall be covered on a daily basis; provide for the installation of silt fences, temporary detention basins, and/or other controls to intercept, filter, and remove sediments contained in the runoff from construction, staging, and storage/stockpile areas; and provide for the hydro seeding (with native plants) of disturbed areas immediately upon conclusion of construction activities in that area. The plans shall also incorporate good construction housekeeping measures, including the use of dry cleanup measures whenever possible; collecting and filtering cleanup water when dry cleanup methods are not feasible; cleaning and refueling construction equipment at designated off site maintenance areas; and the immediate clean-up of any leaks or spills.

   The plans shall indicate that PRIOR TO THE COMMENCEMENT OF GRADING, the Permittee shall delineate the approved construction areas with fencing and markers to prevent land-disturbing activities from taking place outside of these areas.

   (b) Permanent Drainage and Erosion Control Plan. The plans shall include a permanent drainage and erosion control plan that shall clearly identify all permanent measures to be taken to control and direct all site runoff, and that shall clearly identify a drainage system designed to collect all on-site drainage (in gutters, pipes, drainage ditches, swales, etc.) for use in on-site irrigation, infiltration, and/or habitat enhancement, and/or to be directed to off-site storm drain systems.

The plan shall be prepared by a licensed engineer with experience in low impact development (LID) techniques and water quality protection systems, and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater and other runoff associated with the property. The plan shall include all supporting calculations and documentation for all BMPs clearly demonstrating compliance with this condition. Such drainage and erosion control plan shall at a minimum provide for:

1. All drainage system components shall be integrated with the Landscape Restoration and Enhancement Plan (see special condition 2). Filtered and treated drainage shall be directed to the restoration and enhancement area to the maximum extent feasible unless it would lead to habitat degradation and provided it is discharged in a non-erosive manner.

2. The drainage system shall be designed to filter and treat (i.e., to remove typical urban runoff pollutants) the runoff produced from irrigation and from each and every storm and/or precipitation event up to and including the 85th percentile 24-hour runoff event for volume-based BMPs and/or the 85th percentile, 1-hour runoff event (with an appropriate safety factor) for flow-based BMPs, prior to its use for on-site infiltration, landscape irrigation, habitat enhancement, and/or discharge offsite. All filtering and treating mechanisms shall be clearly identified, and supporting technical information (e.g., brochures, technical specifications, etc.) shall be provided.

3. Runoff from the roofs, driveways, parking areas, and other impervious surfaces shall be collected and directed into pervious areas on the site for infiltration to the maximum extent practicable in a non-erosive manner, prior to being conveyed off-site.

4. All development shall incorporate LID BMP strategies and techniques (e.g., limiting impervious surfacing, maximizing infiltration in BMP design, reducing the hydraulic connectivity of impervious surfaces, etc.) as much as possible.

5. The drainage system shall include natural biologic filtration components, such as vegetated filter strips and grassy swales that are vegetated with native plant species capable of active filtration and treatment (e.g., rushes), as much as possible. If grades require, check-dams may be used in such biologic filters.

6. Post-development peak runoff rates and volumes shall be maintained at levels similar to, or less than, pre-development conditions.

7. All drainage system elements shall be permanently operated and maintained.

The Permittee shall undertake development in accordance with the approved Final Drainage, Erosion, and Sedimentation Control Plan.

4. **Winery Effluent Disposal and Reuse Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two copies of a Winery Effluent Disposal

and Reuse Plan (WEDRP) to the Executive Director for review and approval. The WEDRP shall provide for winery effluent disposal, with the goal of treating/handling reclaimed water and organic material in a manner that protects the quality of surface and subsurface water resources, and riparian habitat areas on and off site. The WEDRP shall be prepared and certified by a licensed civil engineer with experience in winery effluent disposal and reuse processes. At a minimum, the plan shall provide for the following:

(a) Separation of solids from the process wastewater.

(b) The wastewater collected from the wine processing area must be conveyed through sealed piping, to an appropriate storage area.

(c) After storage, the process wastewater may be land applied for disposal, utilizing at a minimum the following parameters, or equal or more protective parameters:

- Land application shall be for process wastewater only.
- Land application shall not occur within 24 hours of a rain event.
- Land application shall not occur in areas where the depth to groundwater is less than 8 feet.
- Land application shall not occur within the restoration and enhancement area (see Special Condition 2) or within 100 feet of Santa Rosa Creek or its tributaries, as measured from the upper extent of riparian vegetation.

(d) The WEDRP shall be submitted to the Executive Director for review and approval with verification of RWQCB approval.

(e) The WEDRP shall contain the provision for future amendments which allows for installation of more efficient and environmentally sound disposal and reuse systems as technology advances. All amendments to the WEDRP shall be submitted to the Executive Director for review and approval prior to installation or modification of the system.

The Permittee shall undertake development in accordance with the approved Winery Effluent Disposal and Reuse Plan.

5. **Final Exterior Lighting Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two copies of Final Exterior Lighting Plans to the Executive Director for review and approval. All proposed exterior lighting shall be shielded to the maximum extent possible and be of the lowest intensity feasible in order to avoid artificial light pollution of the on site and adjacent riparian habitat areas. Exterior lighting elements adjacent to onsite creeks and tributaries shall be avoided where possible and be the minimum necessary to meet safety requirements. Exterior light shall be shielded and lighting shall be directed downward and away from the creek and riparian areas.

6. Construction Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two sets of a Construction Plan (in full-size format with a graphic scale) to the Executive Director for review and approval. The Construction Plan shall, at a minimum, include the following:

(a) Construction Areas. The Construction Plan shall identify the specific location of all construction areas, all staging areas, all storage areas, all construction access corridors (to the construction site and staging areas), and all areas where development is prohibited (see Special Conditions 1 and 2). All such areas within which construction activities and/or staging are to take place shall be minimized to the maximum extent feasible in order to minimize construction impacts on and offsite preservation areas.

(b) Construction Methods and Timing. The Construction Plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separated from all areas where development is prohibited (including using unobtrusive fencing or equivalent measures to delineate construction areas). All erosion control/water quality best management practices to be implemented during construction and their location shall be noted.

(c) Construction Requirements. The Construction Plan shall include the following construction requirements specified by written notes on the Construction Plan. Minor adjustments to the following construction requirements may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.

- All work shall take place during daylight hours. Lighting of the creek and riparian area is prohibited.
- Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
- The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the site; etc.).
- All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each workday.
- All disturbed areas shall be hydro-seeded with an appropriate native seed mix immediately upon conclusion of construction activities in that area.
- The Applicant shall notify planning staff of the Coastal Commission's Central Coast District

Office at least 3 working days in advance of commencement of construction, and immediately upon completion of construction.

The Permittee shall undertake development in accordance with the approved Construction Plan.

7. **Construction Site Documents & Construction Coordinator**. DURING ALL CONSTRUCTION:

   (a) Construction Site Documents. Copies of the signed coastal development permit and the approved Construction Plan shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the coastal development permit and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.

   (b) Construction Coordinator. A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and their contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

8. **Winery Operations.** Public tours, tasting, retail sales, and special events are prohibited.

9. **Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicants shall submit to the Executive Director for review and approval documentation demonstrating that the Applicants have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the special conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

8. California Environmental Quality Act (CEQA)

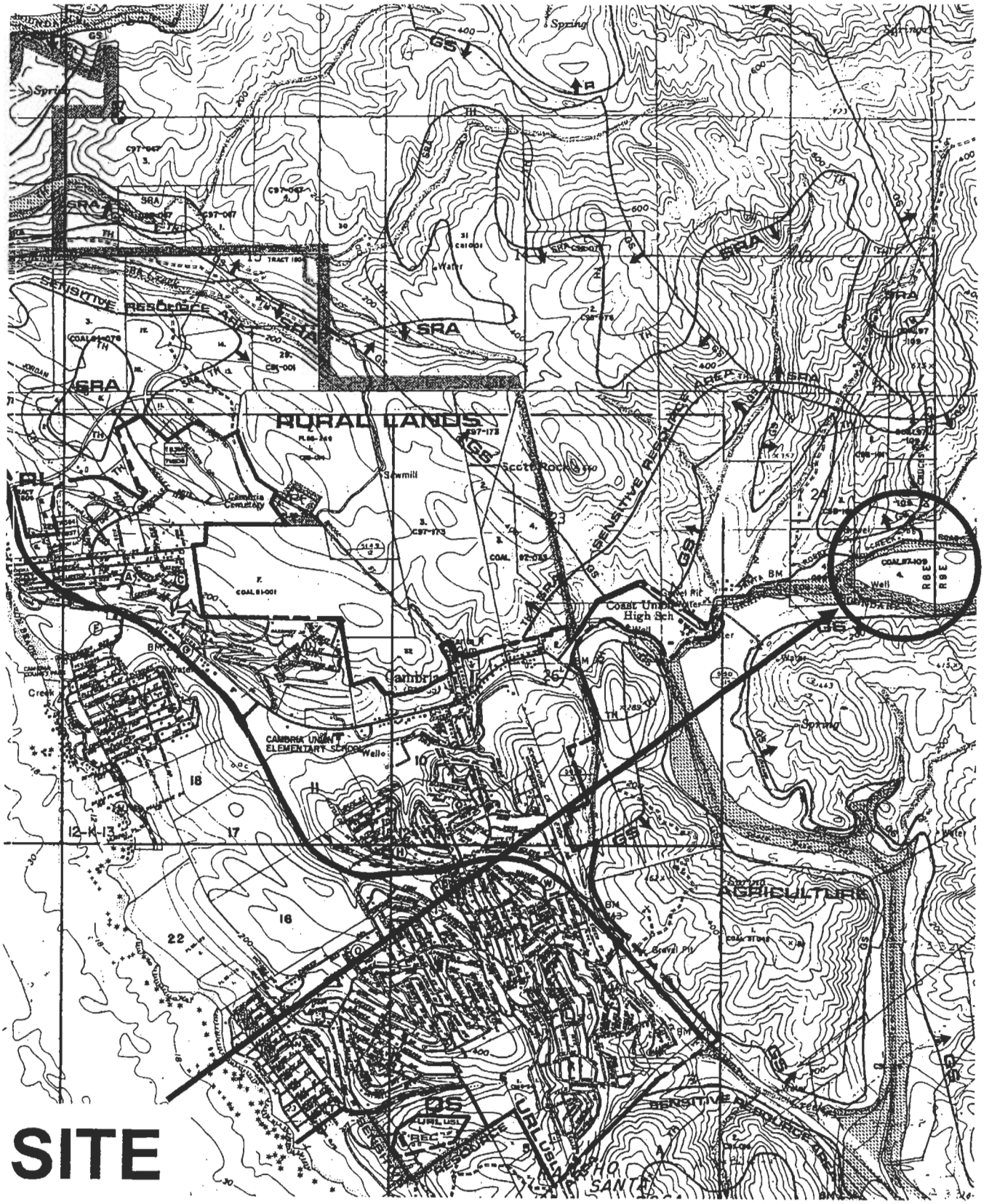
Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The County, acting as lead agency under CEQA, adopted a Mitigated Negative Declaration under CEQA on February 22, 2007. The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal, including the significant adverse environmental effects expected due to the project, and has recommended appropriate suggested modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above. All above Coastal Act findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives nor feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the proposed project, as modified, would have on the environment within the meaning of CEQA. Thus, if so modified, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

1-51

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Conditional Use Permit
Stolo DRC2005-00039

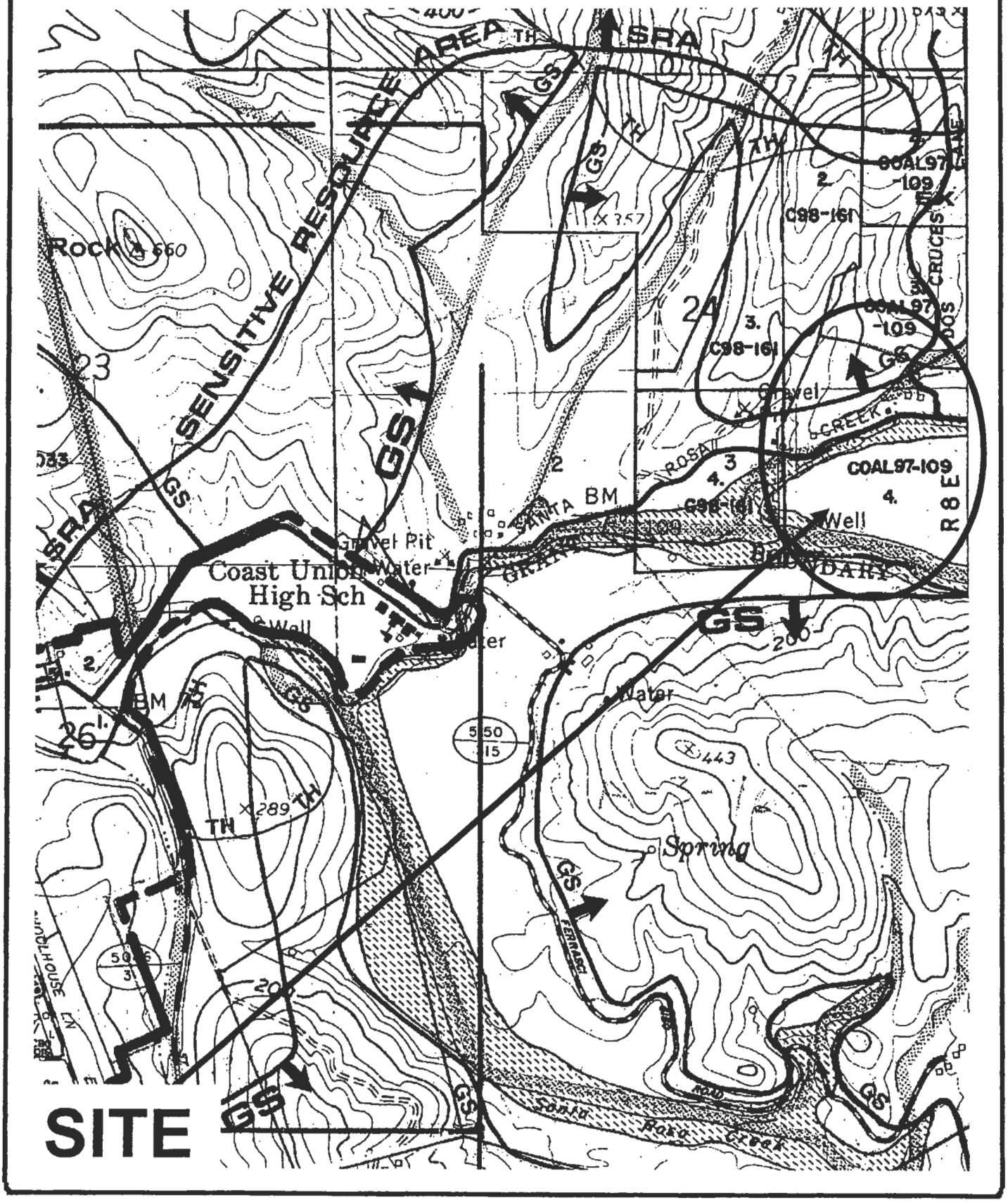
EXHIBIT

Vicinity Map C-1

Exhibi t A
Page 1 of 2

1-52

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Conditional Use Permit
Stolo DRC2005-00039

EXHIBIT

Land Use Category E-6

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

FINAL LOCAL ACTION NOTICE
REFERENCE # 3-SLO-07-233
APPEAL PERIOD 6/29 - 7/13/07

RECEIVED
JUN 28 2007
CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA

June 25, 2007

Jamie Kirk
Kirk Consulting
9720 Atascadero Avenue
Atascadero, CA 93422

NOTICE OF FINAL COUNTY ACTION

HEARING DATE: June 5, 2007

SUBJECT: County File No. – Don and Charlene Stolo - DRC2005-00039
Development Plan / Coastal Development Permit

LOCATED WITHIN COASTAL ZONE: YES

The above-referenced application was approved by the Board of Supervisors, based on the approved Findings and Conditions, which are attached for your records. This Notice of Final Action is being mailed to you pursuant to Section 23.02.033(d) of the Land Use Ordinance.

This action is appealable to the Board of Supervisors within 14 days of this action. If there are Coastal grounds for the appeal there will be no fee. If an appeal is filed with non-coastal issues there is a fee of $578.00. This action may also be appealable to the California Coastal Commission pursuant to regulations contained in Coastal Act Section 30603 and the County Coastal Zone Land Use Ordinance 23.01.043. These regulations contain specific time limits to appeal, criteria, and procedures that must be followed to appeal this action. The regulations provide the California Coastal Commission 10 working days following the expiration of the County appeal period to appeal the decision. This means that no construction permits can be issued until both the County appeal period and the additional Coastal Commission appeal period have expired without an appeal being filed.

Exhaustion of appeals at the county level is required prior to appealing the matter to the California Coastal Commission. This second appeal must be made directly to the California Coastal Commission Office. Contact the Commission's Santa Cruz Office at (831)427-4863 for further information on their appeal procedures.

If the use authorized by this Permit approval has not been established or if substantial work on the property towards the establishment of the use is not in progress after a period of twenty-four (24) months from the date of this approval or such other time period as may be designated through conditions of approval of this Permit, this approval shall expire and become void unless an extension of time has been granted pursuant to the provisions of Section 23.02.050 of the Land Use Ordinance.

If the use authorized by this Permit approval, once established, is or has been unused, abandoned, discontinued, or has ceased for a period of six (6) months or conditions have not been complied with, such Permit approval shall become void.

If you have questions regarding your project, please contact me at (805) 781-5713.
Sincerely,

Kerry Brown

Kerry Brown
Coastal Planning and Permitting

CC: Don and Charlene Stolo

(Planning Department Use Only)

Date NOFA copy mailed to Coastal Commission: June 25, 2006

Enclosed:
X Staff Report
X Findings and Conditions

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tues day June 5 ,20 07

PRESENT: Supervisors Harry L. Ovitt, Bruce S. Gibson, K.H. 'Katcho' Achadjian, James R. Patterson and Chairperson Jerry Lenthall

ABSENT: None

RESOLUTION NO. 2007-222

RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION AND CONDITIONALLY APPROVING THE APPLICATION OF DON AND CHARLENE STOLO FOR DEVELOMENT PLAN DRC2005-00039

The following resolution is now offered and read:

WHEREAS, on February 22, 2007, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the "Planning Commission") duly considered and conditionally approved the application of the Don and Charlene Stolo for Development Plan DRC2005-00039; and

WHEREAS, Greenspace – the Cambria Land trust, Pamela Martin, Coast Unified School District, Kirsten Fiscalini, and Leslie Taylor-Snow have appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on June 5, 2007, and a determination and decision was made on June 5, 2007; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeals; and

WHEREAS, the Board of Supervisors has duly considered the appeals and finds that the appeals should be denied and the decision of the Planning Commission should be affirmed and that the application should be approved based upon the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.

2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

3. That the negative declaration prepared for this project is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.

4. That the Board of Supervisors has reviewed and considered the information contained in the negative declaration together with all comments received during the public review process prior to approving the project.

5. That the appeals filed by Greenspace – the Cambria Land trust, Pamela Martin, Coast Unified School District, Kirsten Fiscalini, and Leslie Taylor-Snow are hereby denied and the decision of the Planning Commission is affirmed that the application of the Don and Charlene Stolo for Development Plan DRC2005-00039 is hereby approved subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor Ovitt, seconded by Supervisor Achadjian, and on the following roll call vote, to wit:

AYES: Supervisors Ovitt, Achadjian, Patterson, Chairperson Lenthall

NOES: Supervisor Gibson

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

JERRY LENTHALL
Chairperson of the Board of Supervisors

ATTEST:

JULIE L. RODEWALD
Clerk of the Board of Supervisors

By: C.M. CHRISTENSEN Deputy Clerk

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: _____
Deputy County Counsel

Dated: May 17, 2007

STATE OF CALIFORNIA,)
) ss
County of San Luis Obispo)

I, JULIE L. RODEWALD, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this 20th day of June, 2007.

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk of the Board of Supervisors

(SEAL)

By: CMChristensen
Deputy Clerk

FINDINGS - EXHIBIT A

Environmental Determination

A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on December 28, 2006 for this project. Mitigation measures are proposed to address aesthetics, airquality, agricultural resources, biological resources, and traffic/circulation and are included as conditions of approval.

Development Plan

B. The proposed project is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.

C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.

D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.

E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses.

F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Santa Rosa Creek Road, a local road constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

Sensitive Resource Area

H. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because an existing barn located approximately 20 feet from an unnamed tributary to Santa Rosa Creek Road will be demolished and rebuilt approximately 70 feet from the northern unnamed tributary to Santa Rosa Creek and approximately 90 feet from the unnamed tributary which runs along Santa Rosa Creek. The area between the barn and the tributary would be revegetated with native, riparian habitat. Further, biological reports prepared for the project conclude that the proposed winery construction and tasting room would not directly impact the adjacent riparian habitat and that best management practices, temporary and permanent erosion control, appropriate drainage plans, habitat enhancement, and bank stabilization would increase the value of the habitat for wildlife.

I. Natural features and topography have been considered in the design and siting of all proposed physical improvements because all development has been located to avoid sensitive resource areas and mitigation measures have been incorporated to increase habitat value for wildlife.

J. The proposed clearing of topsoil, trees, is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource, because all development has been located to avoid sensitive resource areas and mitigation measures have been incorporated to increase habitat value for wildlife.

K. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff. Mitigation measures have been incorporated into the project which require best management practices, temporary and permanent erosion control, appropriate drainage plans, habitat enhancement, and bank stabilization.

Streams and Riparian Vegetation

L. The proposed winery is an allowable use. The barn and will be located approximately 70 feet from the northern tributary to Santa Rosa Creek and 90 feet from the southern tributary to Santa Rosa Creek. No alternative locations and routes are feasible or less environmentally damaging because of site constraints. The barn, a principally permitted use, is currently located approximately 20 feet from the northern unnamed tributary to Santa Rosa Creek. An access road is currently located between the barn and the unnamed tributary. The proposed project consists of demolishing the barn and rebuilding it approximately 70 feet from the northern unnamed tributary to Santa Rosa Creek and approximately 90 feet from the unnamed tributary which runs along Santa Rosa Creek. The access road would be removed and this area would be revegetated with native, riparian habitat. Measures have been identified to mitigate adverse environmental effects related to the creek setback modification.

M. Adverse environmental effects have been mitigated to the maximum extent feasible.

N. The adjustment to the riparian setback is necessary to allow the project because the barn will be located approximately 70 feet from the northern unnamed tributary to Santa Rosa Creek and approximately 90 feet from the unnamed tributary which runs along Santa Rosa Creek. The access road next to the northern unnamed tributary would be removed and this area would be revegetated with native, riparian habitat. Measures have been identified to mitigate adverse environmental effects related to the creek setback modification.

O. The riparian setback adjustment is the minimum amount necessary to allow for the project.

Modifications

P. Modification of the setbacks required by Coastal Zone Land Use Ordinance Section 23.08.042d2 to allow a 30 foot side setback is justified because a reduced setback reduces impacts to prime agricultural soils and locates new development as close to areas of existing development to the greatest extent feasible.

Q. Modification of the principal access driveway location required by Coastal Zone Land Use Ordinance Section 23.08.042d2 to allow the principal access driveway to be located approximately 1.5 miles from an arterial road rather than 1 mile is justified because based on the results of the traffic study prepared for the project, the condition of the road

is two-lane and striped from Main Street to the site, and the additional traffic that will result from the project will not result in a significant change to the existing road service or traffic safety levels.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes the construction of a three-phased winery and tasting facility with modifications to the access location and setback requirements for wineries. This approval also allows participation in up to four industry-wide events and no other events. The following provides a breakdown of the proposed phases:

   Phase 1- to be vested by the final effective date 2010 plus time extensions pursuant to Coastal Zone Land Use Ordinance Section 23.02.050 in accordance with Condition 42.

   a. A 2,100 square foot winery with a 950 square foot concrete crush pad, two (2) parking spaces, and landscaping located on the portion of the property south of Santa Rosa Creek Road. The maximum height of the winery is 25 feet from average natural grade. The winery is located approximately 30 feet from the western property line.
   b. An 800 square foot tasting facility, four (4) parking spaces, and landscaping located on the portion of the property north of Santa Rosa Creek Road. The maximum height of the tasting facility is 20 feet from average natural grade. The principal access driveway to the tasting room is located more than one mile (approximately 1.5 miles) from an arterial road.
   c. Repair and restoration of the front façade of an existing barn located on the portion of the property north of Santa Rosa Creek Road.
   d. Production is limited to 5,000 cases.

   Phase 2 - to be vested by the final effective date 2012 plus time extensions pursuant to Coastal Zone Land Use Ordinance Section 23.02.050 in accordance with Condition 42.

   a. Demolition and reconstruction of the existing barn located on the portion of the property north of Santa Rosa Creek Road, eleven (11) parking spaces, and landscaping. The maximum height of the barn is 35 feet from average natural grade.
   b. Relocation of the tasting activities and barrel storage to the new 6,650 square foot barn located on the portion of the property north of Santa Rosa Creek Road.
   c. Remodeling the tasting facility constructed in Phase I into winery offices located on the portion of the property north of Santa Rosa Creek Road.
   d. Production is limited to 5,000 cases.

   Phase 3 - to be vested by final effective date 2015 plus time extensions pursuant to Coastal Zone Land Use Ordinance Section 23.02.050 in accordance with Condition 42.

   a. A 920 square foot expansion to the 2,100 square foot winery constructed under Phase I, located on the portion of the property south of Santa Rosa Creek Road. The maximum height of the winery expansion is 25 feet from average natural grade. This expansion does not include additional parking spaces.
   b. Production is limited to 10,000 cases.

Overflow parking shall not be allowed on Santa Rosa Creek Road, and only within the designated area on the site. Signs shall be posted on the road 24 hours in advance of the event and removed within 24 hours of the conclusion of the event.

Conditions required to be completed at the time of application for construction permits

Site Development

2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved color board, site plan, floor plan, architectural

elevations and revised landscape plan. Improved parking facilities shall be limited to the minimum amount necessary to serve the approved development.

3. **At the time of application for construction permits**, the applicant shall submit a revised landscape plan to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The landscape plan shall be prepared as provided in Section 23.04.180 of the Coastal Zone Land Use Ordinance; consist of native, drought and fire resistant species that are compatible with the habitat values of the area; and shall provide vegetation that will adequately blend the new development, including driveways and parking areas, into the surrounding environment. The landscape plan shall provide for riparian vegetation in the sparse areas along the southern edge of Santa Rosa Creek Road to screen the winery. Non-native, invasive, and water intensive (e.g. turf grass) landscaping is prohibited on the entire site.

Exterior Lighting

4. **At the time of application for construction permits,** the applicant shall submit a lighting plan to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The lighting plan shall be consistent with Section 23.04.320 of the Coastal Zone Land Use Ordinance and include the following:
   a. Height, location, and intensity of all exterior lighting.
   b. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties and Santa Rosa Creek Road.
   c. Light hoods shall be dark colored.
   d. If access road lighting is proposed, the luminaries shall be a shielded "bollard-type" and shall be a maximum of 3 feet above the ground.
   e. Exterior lighting shall be designed to not focus illumination onto exterior walls.
   f. Any security lighting installed on the property shall be equipped with motion detectors to prevent the illumination from remaining on.
   g. "White" colored light shall not be used for exterior lighting.

Fire Safety

5. **At the time of application for construction permits,** all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated November 22, 2005.

Air Quality

6. **At the time of application for construction permits for the wastewater treatment system,** the applicant shall submit plans incorporating the use of methods to minimize the creation of objectionable odors, which can occur due to anaerobic processes that mix with ambient air upon discharge of wastewater and handling of grape skins.

7. The following measures shall be incorporated into the construction phase of the project and shown on all applicable plans **at the time of application for construction permits**. 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.
   a. Reduce the amount of disturbed area where possible;
   b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;

c. All dirt stock-pile areas should be sprayed daily as needed;
d. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible; and,
e. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

8. **Prior to commencement of construction activities,** the applicant shall notify the APCD, by letter, that the above air quality mitigation measures have been applied.

9. As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, Karen Brooks of APCD's Enforcement Division may be contacted (805/781-5912).

Services

10. **At the time of application for construction permits**, the applicant shall submit evidence that there is adequate water to serve the proposal, on the site.

11. **At the time of application for construction permits**, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.

Conditions to be completed prior to issuance of a construction permit

Fees

12. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Air Quality

13. **Prior to issuance of construction permits,** the applicant shall ensure that a geologic investigation is conducted to determine if Naturally Occurring Asbestos (NOA) is present within the area that would be disturbed. If NOA is not present, an exemption request shall be filed with the Air Pollution Control District (APCD) and submitted to the Planning and Building Department. If NOA is present, the applicant shall work with, and receive approval from the APCD to comply with all requirements outlined in the Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include, but are not limited to: 1) an Asbestos Dust Mitigation Plan (which must be approved by the APCD before construction begins) and 2) an Asbestos Health and Safety Program.

Biological Resources

14. **Prior to issuance of construction permits,** the applicant shall submit a creek protection plan, prepared by a qualified erosion control specialist in consultation with a qualified biologist, for review and approval by the County Planning and Building Department. The plan shall have been prepared (or reviewed) by a qualified biologist and erosion control specialist. The plan shall be implemented prior to, during, and following construction activities. The plan shall include, but not be limited to, the following elements:

a. Identification of and fencing plan for "Project Limits". Fencing shall be placed as far away as possible and no closer than 50 feet from the edge of riparian vegetation. No construction work, including the storage of material, shall occur outside of the "Project Limits". Any required fencing shall remain in place during the entire construction period and/or as long as the site remains disturbed.
b. Use of silt fencing, hay bales, straw waddles, and other measures to stabilize soils, ensure sediment retention, and avoidance of pollutant discharge outside of the construction area.
c. Operational best management practices to prevent excessive soil movement. Erosion control fences should be installed below construction zones, and straw bales and/or coir rolls should be properly placed to reduce water velocity and inhibit soil movement.
d. Long-term restoration plan to stabilize soils and maintain the flow of un-polluted stormwater into the creek.
e. Revegetation plan for the all areas disturbed by project activities including locations, amounts, size and types of plants to be replanted and any other necessary components (e.g., temporary irrigation, amendments, etc.) to insure successful revegetation.
f. Monitoring plan which at minimum includes a monitoring schedule, monitoring responsibilities, photo documentation, and reporting program.

Implementation of the approved creek protection plan shall be completed prior to final inspection.

15. **Prior to issuance of construction permits,** the applicant shall submit a lighting plan which shows that all lighting is designed to have a minimal glow in the riparian area.

16. **Prior to issuance of construction permits,** the applicant shall submit a color and materials board that shows all buildings to be non-reflective with muted tones.

17. **Prior to issuance of construction or grading permits,** the applicant agrees to secure a bond with the county to cover the costs of monitoring and maintaining the site for the minimum three year period. The bond shall not be released until the applicant has provided evidence of permits or verification that no permit is necessary from the following agencies: California Department of Fish and Game, U.S. Fish & Wildlife Service, and Army Corps of Engineers.

18. **Prior to issuance of construction or grading permits,** the applicant shall contact the Department of Planning and Building Department and set up a pre-construction meeting that will also include the construction team, the applicant, and the environmental monitor.

19. **Prior to issuance of construction or grading permits,** the applicant shall provide evidence of permits or verification that no permit is necessary from the following agencies: California Department of Fish and Game, U.S. Fish & Wildlife Service, and Army Corps of Engineers.

20. **Prior to issuance of a demolition permit for the barn,** construction plans shall incorporate erosion control measures that will prevent demolition material from spilling into the riparian area.

21. **Prior to issuance of construction permits**, the applicant shall submit a drainage plan and sedimentation and erosion control plan for review and approval by the Department of Planning and Building and the County Public Works Department that shows all wastewater and stormwater runoff from parking areas and permanent structures is processed to surface water standards prior to flowing into Santa Rosa Creek. Permanent

stormwater flow paths shall be designed to reduce flow velocities, spread water out, and allow water to infiltrate.

Storm Water

22. **Prior to issuance of construction permits**, the applicant shall submit a copy of the Storm Water Pollution Prevention Plan (SWPPP) submitted to the State Water Resources Control Board (SWRCB).

Waste water

23. Liquid waste generated by the winery operations must be discharged to a waste water 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. Prior to discharge of winery wastewater, the applicant shall obtain approval/permits from the Regional Water Quality Control Board. In no case shall winery wastewater be discharged into a stream or other surface water. Wastewater treatment shall be in compliance with Coastal Watershed Policy 10: Drainage Provisions as implemented through the Coastal Zone Land Use Ordinance.

24. **Prior to issuance of construction permits,** the applicant shall submit a **W**aste Discharge permit or exemption from a permit from the Regional Water Quality Control Board. A copy of the permit or exemption from a permit shall be submitted to the County Planning and Building Department and Environmental Health Department.

25. Solid vegetable waste from the winery (pomace), shall be removed from the site to an approved composting/green waste facility or composted on the site and used as a soil amendment. In no case shall pomace be treated, stored, or disposed of in a manner that could result in runoff into any surface stream.

Health Department

26. **Prior to issuance of a construction permit,** the applicant shall obtain the appropriate Health Department permits. The Health Department will require the following information:

    a. Detailed plans for the tasting room and any other food areas.

    b. Verify water supply and wastewater disposal methods are adequate for this use.

    c. Information on existing septic systems to assure new development can be handled by existing systems.

    d. A detailed plan for pomace and solid waste disposal.

    e. A Hazardous Materials Questionnaire shall be completed for the project and reviewed by the Environmental Health Department

Conditions to be completed prior to demolition of the barn

27. **Prior to demolition of the barn and during all construction activities,** all construction crews working on the project (including, but not limited to, grading, concrete, framing, painting, irrigation, and landscape contractors) shall receive environmental awareness training from the biological monitor that includes, at a minimum a discussion of jurisdictional areas (Water of the U.S., Waters of the State), riparian vegetation identification, sensitive habitats and their protection, animals that use the riparian zone, boundaries of the work area, and proximity to Santa Rosa Creek with its sensitive biological resources.

28. **Prior to demolition of the barn,** a protective barrier consisting of a chain link fence shall be placed adjacent to the riparian vegetation. The protective barrier fencing shall be moved to 50-feet from the edge of riparian vegetation as demolition proceeds. Construction fencing shall remain no closer than 50 feet from the edge of riparian vegetation during the entire construction period.

29. **Prior to demolition of the barn,** to avoid impacts to nesting birds and bats in the vicinity of the riparian area, demolition shall not be allowed during to the nesting season (December to September), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted and the County has agreed with the findings of the biologist. At such time, if any evidence of nesting activities are found, the biologist will determine if any demolition activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to the County (Environmental Division), possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the county.

30. **Prior to demolition of the barn,** erosion control measures shall be in place to prevent demolition material from spilling into the riparian area.

Conditions to be completed during project construction

Building Height

31. The maximum height of the barn is 35 feet from average natural grade. The maximum height of the tasting room is 20 feet from average natural grade. The maximum height of the processing facility is 25 feet from average natural grade.

    a. **Prior to any site disturbance**, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish average natural grade and set a reference point (benchmark).

    b. **Prior to approval of the foundation inspection,** the benchmark shall be inspected by a building inspector prior to pouring footings or retaining walls, as an added precaution.

    c. **Prior to approval of the roof nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

Air Quality

32. **During initial grading/scraping,** burning shall not be allowed, or if no alternative is available, the applicant shall obtain a burn permit from the APCD and County Fire/California Department of Forestry, and comply with all conditions required by these agencies.

33. **Prior to operation of portable generators, small scale manufacturing equipment, boilers, and internal combustion engines,** the applicant shall contact the APCD to determine if an operating permit is necessary.

Biological Resources

34. There shall be no cutting, alteration, or disturbance of the existing riparian zone during or after construction except for routine pruning of vegetation in accordance with a plan

prepared by a biologist or other qualified expert approved by the Department of Planning and Building to encourage the channel to provide nesting habitat for migratory songbirds.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

35. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for **before final building inspection**. If bonded for, landscaping shall be installed within 60 days after final building. All landscaping shall be maintained in a viable condition in perpetuity.

36. **Prior to occupancy or final inspection,** which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.

37. **Prior to occupancy of any structure associated with this approval,** the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

38. **Prior to occupancy or final inspection,** whichever occurs first, the applicant shall implement approved color board, site plan, floor plan, and elevations as shown on the attached exhibits.

39. **Prior to final inspection,** all structures, fencing, and landscaping more than 30" in height shall be setback a minimum of 10 feet from edge of pavement of Santa Rosa Creek Road for 100 feet in both directions from the driveway.

40. **Prior to final inspection for the Phase 2 tasting room,** the existing tasting room shall be converted to a winery office.

On-going conditions of approval (valid for the life of the project)

Outdoor Storage

41. Winery related materials stored out of doors shall not be visible from the public view, including Santa Rosa Creek Road.

Time Limits

42. This land use permit is a phased project as described in condition 1. Each phase of this land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed for each phase as indicated in Condition 1. Substantial site work is defined by Coastal Zone Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

43. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Coastal Zone Land Use Ordinance.

Indemnification

44. The applicant shall as a condition of approval of this development plan defend, at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this minor use permit or the manner in which the County is interpreting or enforcing the conditions of this development plan, or any other action by a third party relating to approval or implementation of this minor use permit. The applicant shall reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.

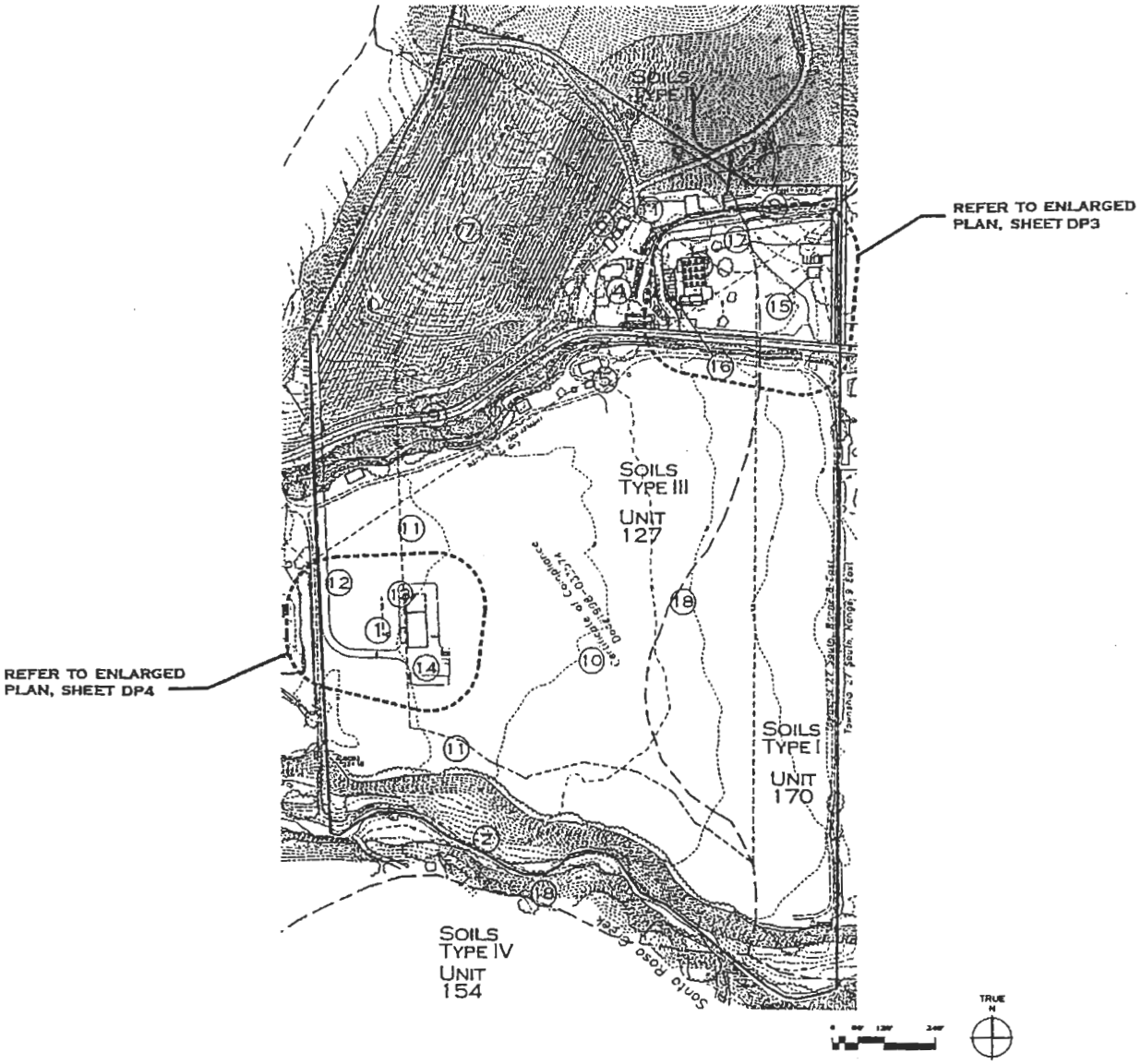
Operational Standards

45. Amplified sound is authorized during daytime hours only 10 a.m. to 5 p.m.

46. The winery's hours of operation shall be not extend beyond 6:00 pm.

47. The applicant shall identify and post a point of contact on the premises with a phone number.

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

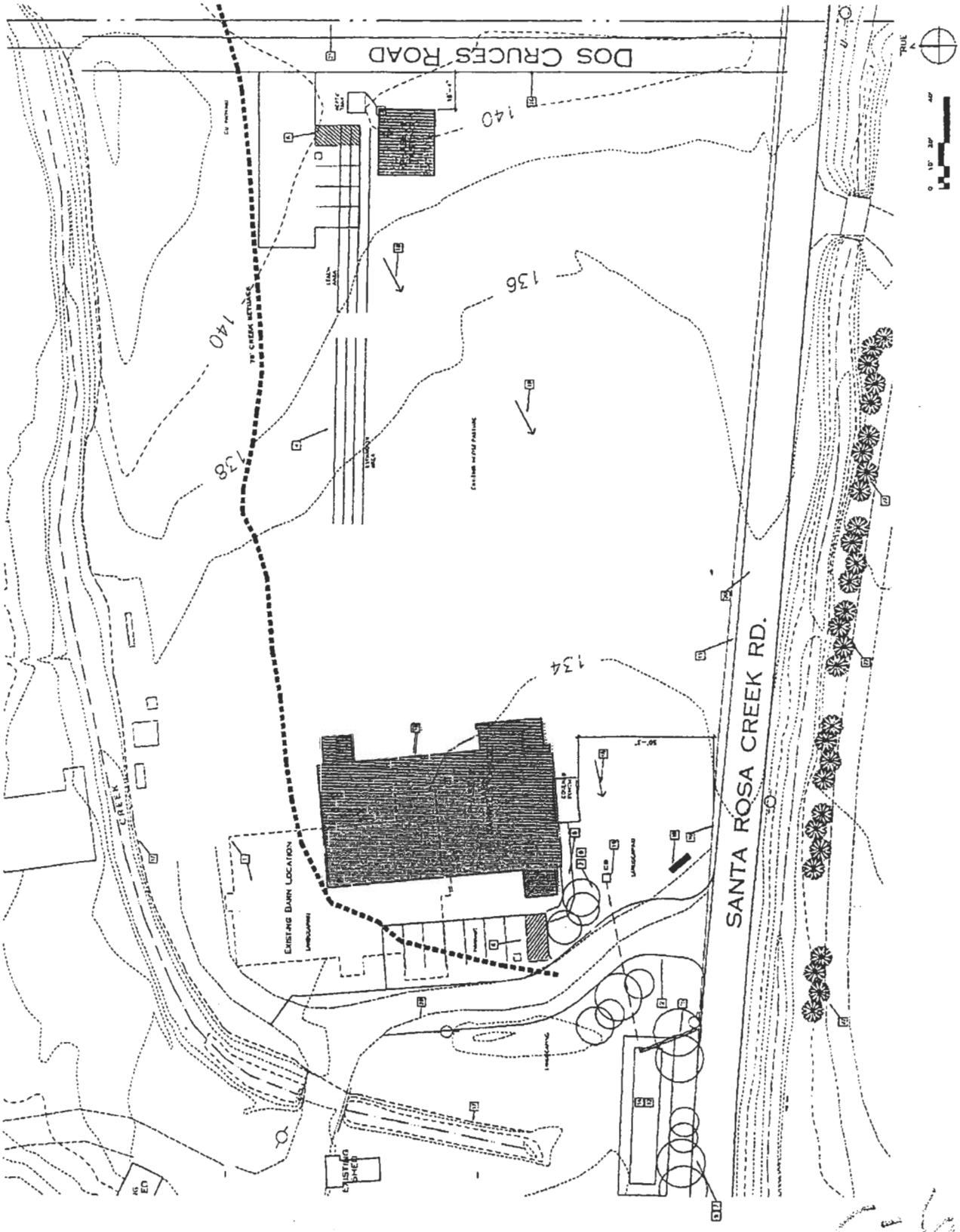
Conditional Use Permit
Stolo DRC2005-00039

EXHIBIT

Site Plan

1-54

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



C-6

PROJECT

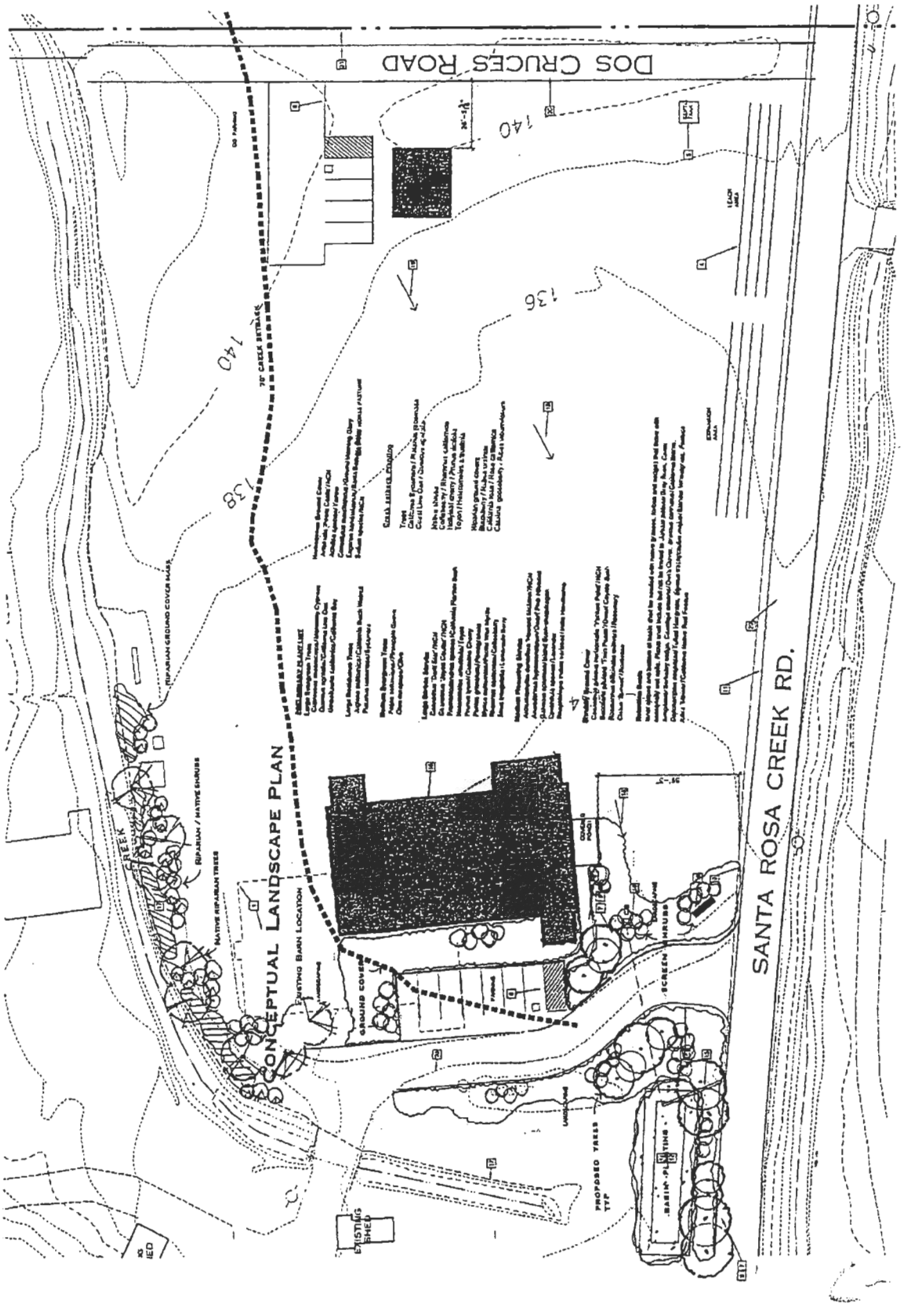
Conditional Use Permit
Stolo DRC2005-00039

EXHIBIT

Enlarged Site Plan – Barn and Tasting Room

1-55

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

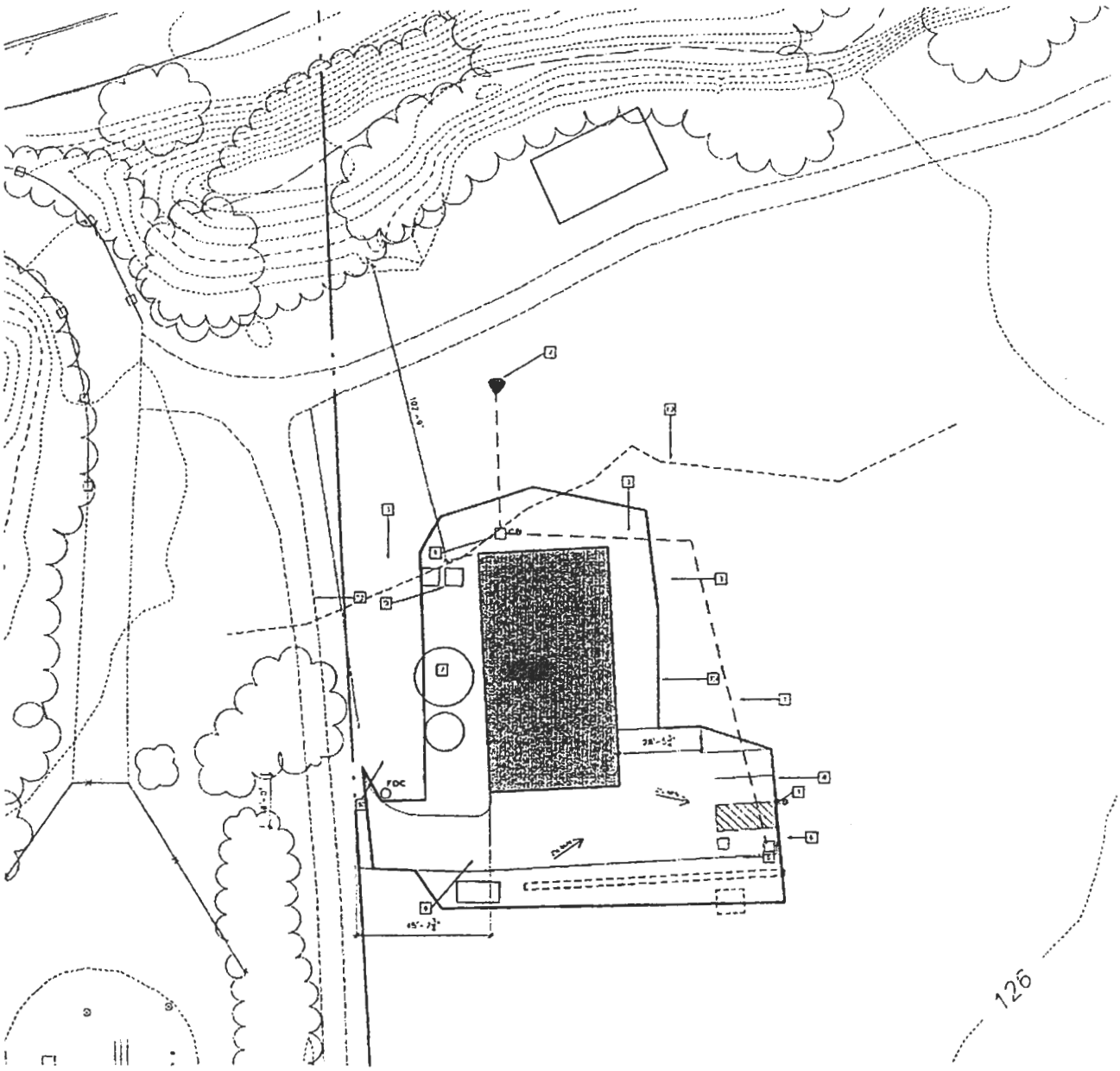
Conditional Use Permit
Stolo DRC2005-00039

EXHIBIT

Landscape Plan 45

1-56

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

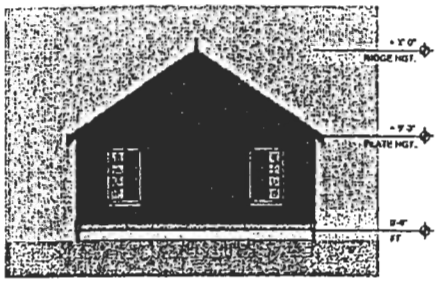
Conditional Use Permit
Stolo DRC2005-00039

EXHIBIT

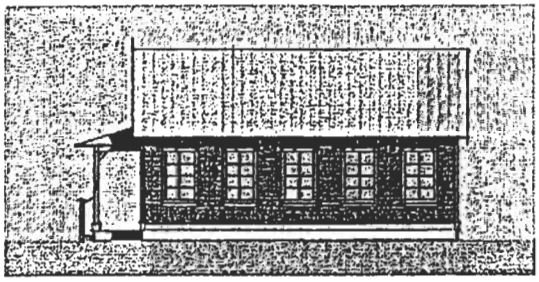
Enlarged Site Plan - Winery 8-6

1-57

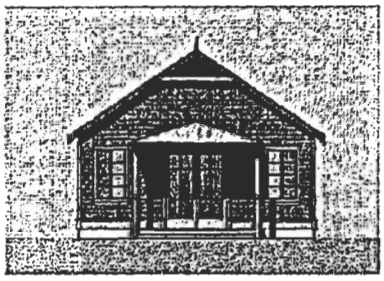
SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



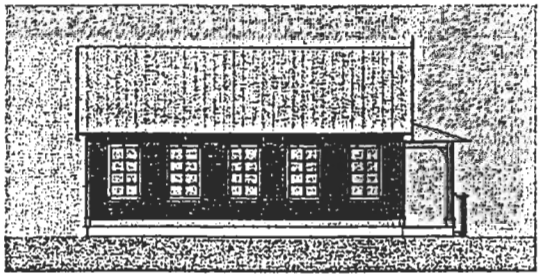
NORTH ELEVATION



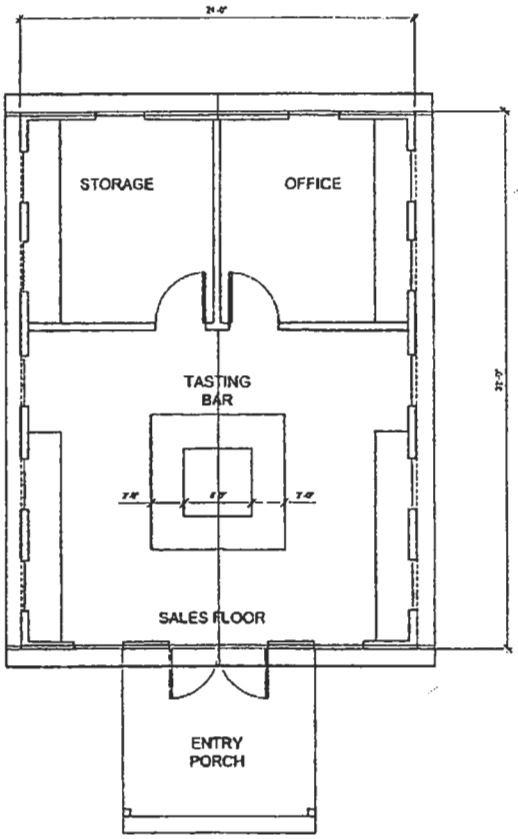
EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION



PROJECT

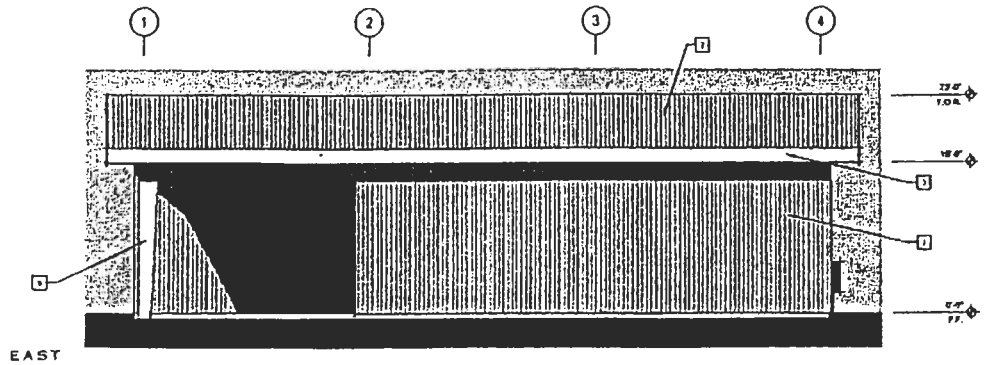
Conditional Use Permit
Stolo DRC2005-00039

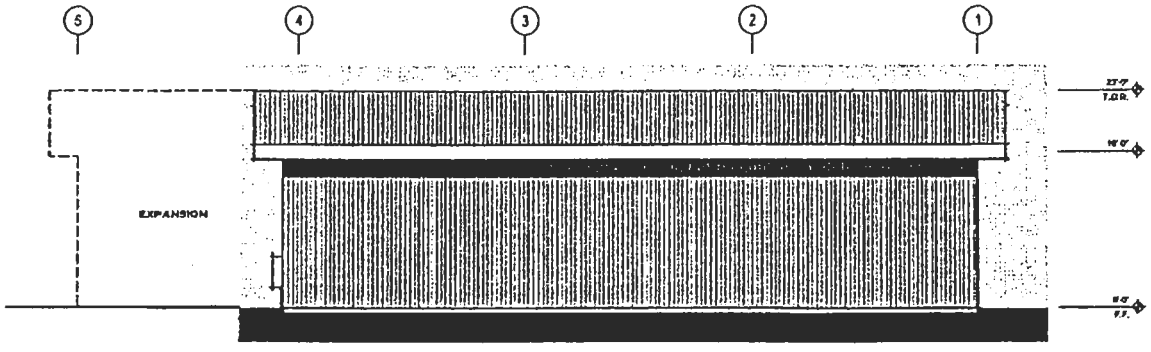
EXHIBIT

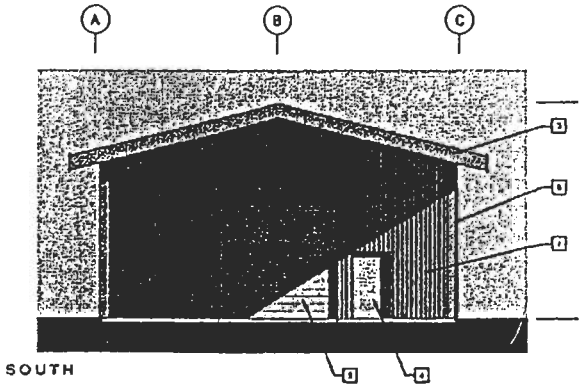
Tasting Room Floor Plan and Elevations

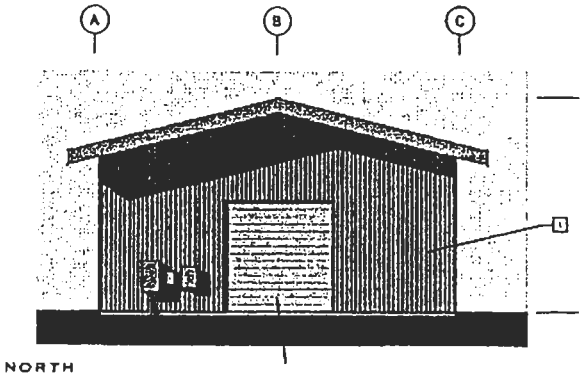
1-58

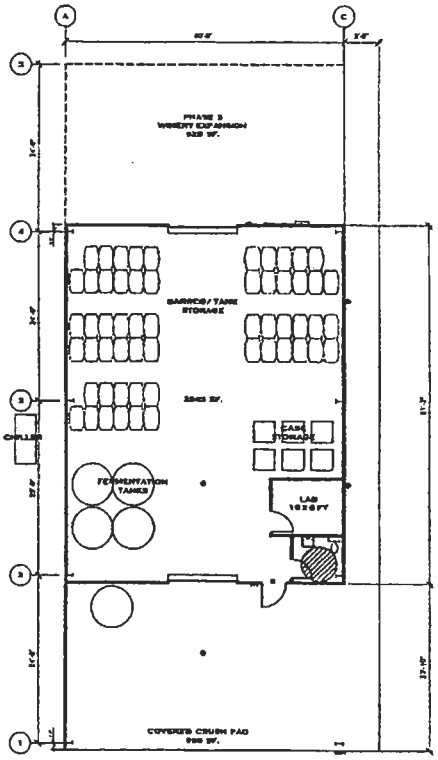
SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING











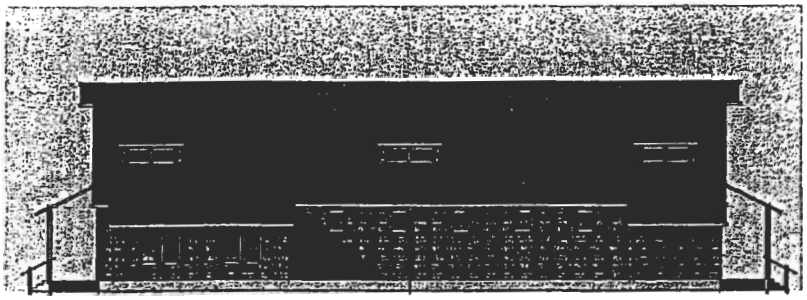
PROJECT

Conditional Use Permit
Stolo DRC2005-00039

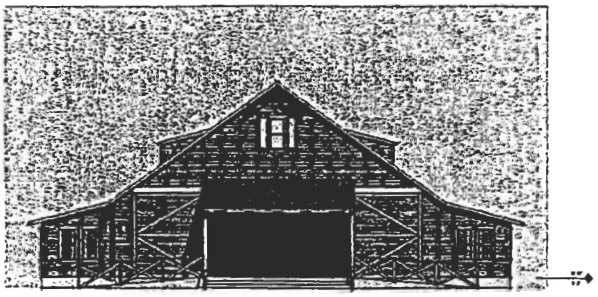
EXHIBIT

Winery Floor Plan and Elevations

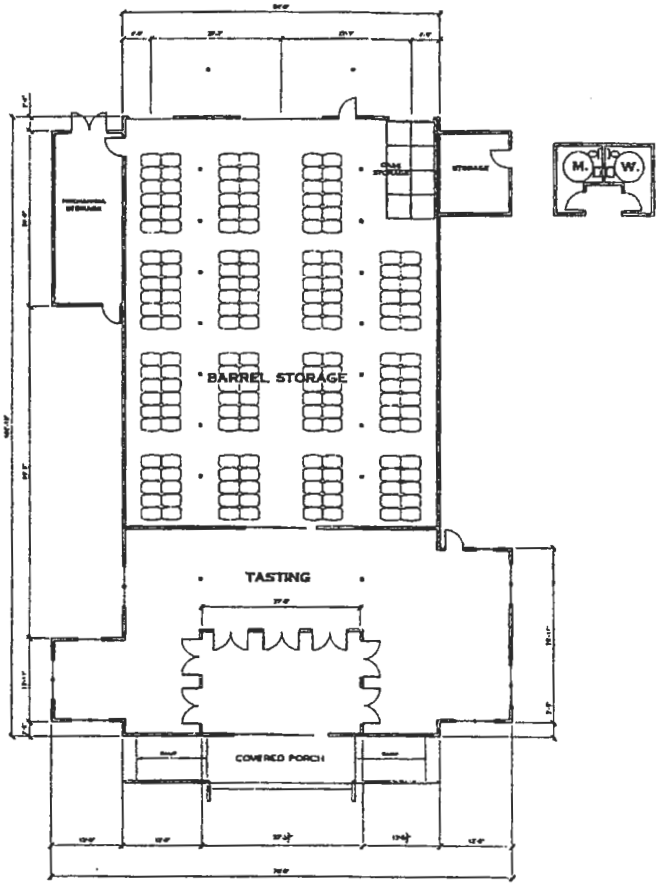
SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



EAST & WEST ELEVATION



NORTH & SOUTH ELEVATION



PROJECT

Conditional Use Permit
Stolo DRC2005-00039

EXHIBIT

Barn Floor Plan and Elevations

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863; fax (831) 427-4877
www.coastal.ca.gov

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):

Commissioner Pat Kruer, Chair
Calfironia Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105-2219
(415) 904-5200

Commissioner Mary Shallenberger
California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105-2219
(415) 904-5200

SECTION II. Decision Being Appealed

1. Name of local/port government:
San Luis Obispo County

2. Brief description of development being appealed:
Winery and tasting facility.

3. Development's location (street address, assessor's parcel number, cross street, etc.:
3770 Santa Rosa Creek Road, Cambria, San Luis Obispo County APN 013-081-57

4. Description of decision being appealed:

a. Approval; no special conditions: _____
b. Approval with special conditions: XX
c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SLO-07-035
DATE FILED: July 13, 2007
DISTRICT: Central

RECEIVED
JUL 13 2007
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 2)

5. Decision being appealed was made by (check one):

a. ___ Planning Director/Zoning Administrator

c. ___ Planning Commission

b. XX City Council/Board of Supervisors

d. ___ Other: _____

6. Date of local government's decision: June 5, 2007

7. Local government's file number: DRC2005-00039

SECTION III Identification of Other Interested Persons

a. Name and mailing address of permit applicant:
Don and Charlene Stolo
860 Challenger Street, Brea, CA 92821

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearings (s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Kristen Fiscalini
3560 State Hwy 46
Cambria, CA 93428

(2) Greenspace-The Cambria Land Trust
P.O. Box 1505
Cambria, CA 93428

(3) LandWatch San Luis Obispo County
P.O. Box 174
Cambria, CA 93428

(4) Elizabeth Bettenhousen
345 Plymouth
Cambria, CA 93428

(5) Doug Buckmaster
1965 Emmons
Cambria, CA 93428

(6) David Burton
6425 Cambria Pines Rd.
Cambria, CA 93428

(7) Matt Janssen, Chief of Permit
Planning & Building Dept.
976 Osos St., Rm 300
San Luis Obispo, CA 93408

(8) Jamie Kirk
9720 Atascadero Rd.
Atascadero, CA 93422

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal.** Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

See attached.

Reasons for Appeal: San Luis Obispo County Development Plan/Coastal Development Permit DRC2005-00039 – (Stolo)

San Luis Obispo County approved a three phased development of a winery and tasting facility on both sides of Santa Rosa Creek Road, east of the community of Cambria, in the North Coast Planning Area. The County approved project raises Local Coastal Program (LCP) conformance issues as follows:

Stream and Riparian Habitat Protection: The LCP designates the onsite stream and its riparian corridor as a Sensitive Resource Area (SRA) and Environmentally Sensitive Habitat Area (ESHA) and requires its protection, including requiring minimum setbacks (LCP Environmentally Sensitive Habitats Policies 1, 2, 3, 20, 21, 26, 28, and Coastal Zone Land Use Ordinance Sections 23.07.170-178). The approved project locates new development in close proximity to these sensitive habitat areas and it appears that the County's approval lacks adequate measures to avoid impacts and significant disruptions to the resources as required by the LCP, such as adequate setbacks. The required riparian habitat setback is 100 feet. The adjustment findings required to allow a setback less than 100 feet (CZLUO Section 23.07.174 et seq) made by the County do not appear to be supported by the evidence at this location. In particular, it appears that alternative development locations are feasible and less environmentally damaging, and would still allow for the establishment of a principally permitted use on the site.

Agriculture - LCP Policy 1 for Agriculture requires that prime agricultural land be maintained, in or available for agricultural production. Other land (non-prime) suitable for agriculture must be maintained in or available for agricultural production unless, among other reasons, the permitted conversion will not adversely affect surrounding agricultural uses. Allowable non-agricultural uses on agricultural lands may only be permitted where the least amount of agricultural land is converted. Policy 3 for Agriculture and Section 23.04.050 of the CZLUO identify requirements to protect agricultural lands when non-agricultural supplemental uses are approved to support agriculture. In such cases, the LCP requires agricultural easements, among other measures, over all agricultural land shown on the site plan and/or an open space easement over all land unsuitable for agriculture. These areas are not identified on the site plans submitted by the County, nor does the County approval include the requisite easements to preserve the maximum amount of agricultural use. Policy 4 for Agriculture requires that new agricultural structures necessary to agricultural use, where possible, be located on other than prime agricultural soils and shall incorporate whatever mitigation measures are necessary to reduce negative impacts on adjacent agricultural uses. Some of the structures approved by the County may not be necessary to agricultural use and appear to be located on prime soils. It has not been demonstrated that no alternative exists except on prime soils and that the least amount of prime soils will be converted. In sum, the approved project locates new development on designated agricultural land and it is not clear that such development can be found consistent with the LCP's agricultural protection policies, including those cited above.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signature of Appellant(s) or Authorized Agent

Date: 7/12/07

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

Received at Commission Meeting

JUL 12 2007

From: _____

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Mary K Shallenberger
Signature of Appellant(s) or Authorized Agent

Date: 7/12/07

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

_____
Signature of Appellant(s)

Date: _____

RECEIVED

JUL 12 2007

CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA

STATE OF CALIFORNIA – THE RESOURCES AGENCY
CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060-4508
VOICE (831) 427-4863 FAX (831) 427-4877

ARNOLD SCHWARZENEGGER, Governo

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Kirsten Fiscalini
Mailing Address: 3560 State Hwy 46
City: Cambria Zip Code: 93428 Phone: 805/927-4571

SECTION II. Decision Being Appealed

1. Name of local/port government: Project title & No.
Stolo Development Plan
Coastal Development Permit: DRC2005 00039 ED05-502
2. Brief description of development being appealed:
3 Phase Development, Phase 1 2,100 square foot winery 950 sq ft Crush Pad & 800 sq ft Tasting Room Phase 2 demolition of old barn & Construction of 6,650 sq ft BARN Phase 3. Expansion of 920 Sq ft to the 2,100 sq ft winery in phase 1
3. Development's location (street address, assessor's parcel no., cross street, etc.):
3770 SANTA ROSA Creek Rd. approximately 1.7 miles east of MAIN Street
4. Description of decision being appealed (check one.):

☐ Approval; no special conditions
☑ Approval with special conditions:
☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

DATE FILED: _____

DISTRICT:

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
- ☑ City Council/Board of Supervisors
- ☐ Planning Commission
- ☐ Other

6. Date of local government's decision: June 5, 2007

7. Local government's file number (if any): DRC 2005-00039

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:
Don & Charlene Stolo
860 CHallenger Street, Brea, CA. 92821

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1)

(2)

(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

WATER

1. No specific plan for wastewater treatment.
2. Unknown effect of treated water to aquifer and creek.
3. Wine factory unlimited water usage and its effects on aquifer, Santa Rosa Creek, established agriculture, Coast High Union School and residents. (Mr. Stolo has stated that he will be crushing, processing and bottling grapes not grown on his property, which opens the possibility of year round processing and unknown water usage.) There is no regulation of water usage.
4. No EIR on this project.

LAND

1. Covers prime agriculture soils with wine factory, wine tasting room, wine storage, office building, parking facilities and roads. (The property already has 2 homes and out buildings on it)
2. North side of project is in a flood plan.
3. Effect of commercial processing factory, wine tasting facility and event facility to surrounding agriculture land values.
4. Access to the wine processing factory is on the south side of Santa Rosa Creek road and all trucks and cars must cross over an ramp that crosses over a very large tributary (creek?). This was not mentioned in the development plan for improvement.
5. Code requiring a setback of 100 feet or more from roads, fence lines, tributaries and Santa Rosa Creek waived.
6. County Ordinance wavered. (Wine tasting must be 1 mile or less from arterial road.)

OTHER

1. Insufficient parking facilities for events.
2. Increased traffic on windy rural road.
3. Possibility of introduction of insects (leafhoppers) and Pierce's Disease from the importation of grapes from other vineyards. The pesticides used to prevent this and the effects of these concerns on surround agriculture corps.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Kristen Fuscaline

Signature of Appellant(s) or Authorized Agent

Date: July 7, 2007

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

_____
Signature of Appellant(s)

Date: _____

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060-4508
VOICE (831) 427-4863 FAX (831) 427-4877

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Landwatch San Luis Obispo County

Mailing Address: P.O. Box 174

City: Cambria Zip Code: 93428 Phone: 805 927-1802

SECTION II. Decision Being Appealed

1. Name of local/port government:

San Luis Obispo County Board of Supervisors

2. Brief description of development being appealed:

Application of Don And Charlene Stolo for a Development Plan/Coastal Development Permit DRC2005-000039 Project is a proposed commercial winery , tasting room and multi phased project located on Santa Rosa Creek Road, Cambria California

3. Development's location (street address, assessor's parcel no., cross street, etc.):

3770 Santa Rosa Creek Road, Cambria California

4. Description of decision being appealed (check one.):

☐ Approval; no special conditions

☒ Approval with special conditions:

☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

DATE FILED: _____

DISTRICT:

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
- ☒ City Council/Board of Supervisors
- ☐ Planning Commission
- ☐ Other

6. Date of local government's decision: June 5, 2007

7. Local government's file number (if any): DRC2005-00039

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Don and Chartlene Stolo
3770 Santa Rosa Creek Road, Cambria Ca 93428

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Elizabeth Bettenhausen
345 Plymouth, Cambria Ca 93428

(2) Doug Buckmaster
1965 Emmons, Cambria Ca 93428

(3) Debbie & Robert Soto
6830 Santa Rosa Creek ,Road Cambria 93428

(4) David Burton
6425 Cambria Pines Road. Cambria 93428

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

Please see attached appeal
attached map
attached graph

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Mahala Burton Lakewatch SLO Co
Signature of Appellant(s) or Authorized Agent

Date: July 10, 2007

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

_____
Signature of Appellant(s)

Date: _____

LandWatch
San Luis Obispo County

Post Office Box 174 • Cambria, California 93428

July 10, 2007

California Coastal Commission
Central Coast Office
725 Front Street, Suite 300
Santa Cruz, California 95060-4508

Appeal of San Luis Obispo County Coastal Permit File Number DRC2005-00039
Don and Charlene Stolo proposed development of commercial winery processing, bottling factory, wine tasting facility, event center, employee housing, and offices.

Dear Sir,

LandWatch San Luis Obispo County appeals the proposed Stolo Winery 3770 Santa Rosa Creek Road, Cambria Ca 93428 as approved by the County of San Luis Obispo on the following grounds:

Summary

- The winery is only part of the project – the whole project has been split into two parts and issued two parallel separate CDPs.
- The project violates multiple resource protection requirements of the San Luis Obispo County CZLUO and no variances were applied for or approved to allow the violations.
- Major elements of the project have not been submitted by the developer and an informed public decision as to whether the project conforms to the LCP is not possible.
- The CZLUO prohibits issuance of a CDP without a drainage plan and no drainage plan exists.
- Public Works Policy 1 and the CZLUO prohibit CDP approval without a determination that adequate water capacity is available and no determination exists because plans for the winery processing systems have not been submitted by the developer.

- Public Works Policy 1 and the CZLUO prohibit CDP approval without a determination that adequate sewage disposal capacity is available and no determination exists because no plan for a sewage treatment system has been submitted by the developer.

- The project is not designed to prevent significant degradation of riparian and creek habitats that protect endangered steelhead and red legged frogs.

- The processing, bottling, public event and tasting room elements of the development should not be allowed until standards developed from in-stream flow studies are adopted and applied.

- The development is not allowed because it violates the 100 foot riparian setback requirement and the "adjustment" does not apply.

- The proposed winery and tasting room is not allowed on the property because it is 1.7 miles from Main Street; no variance was approved and the "waiver" violated the CZLUO.

- The project is classic leap-frog, growth-inducing development and violates Coastal Act §30250 planning and management policy for new development.

- The project should be required to incorporate green-house gas reduction components.

- The proposed project fails to conform to the North Coast Area Plan because the North Coast Area Plan is obsolete and a finding of conformance is impossible.

Appeal Analysis

The winery is only <u>part</u> of the project – the whole project has been split into two parts and issued two parallel separate CDPs.

On May 18, 2006 the Stolos applied for a coastal development permit to reconstruct a garage to include a guest house above it and to replace a nonconforming mobile home with farm support quarters. (DRC2005-00223) Three and a half months later on September 2, 2006 the Stolos applied for a coastal development permit to develop the rest of the project which is the subject of this appeal.

The first project passed without public comment and appeal because it was not publicly noticed as part of the winery development project. These two applications are for development on the same property and are part of the same development project, yet they have been analyzed separately as to impacts on coastal resources. There is no analysis as

to whether the project as a whole conforms to the Local Coastal Program or the Coastal Act.

Separation of a project into two independently reviewed, analyzed and permitted projects undermines and circumvents the purpose of the Coastal Act to protect coastal resources. We ask the Coastal Commission to require the County of San Luis Obispo to take a step back and process the project as a whole for a single coastal development permit and provide proper public notice, hearing, and opportunities to comment and appeal the actual project.

The project violates multiple resource protection requirements of the San Luis Obispo County CZLUO and no variances were applied for or approved to allow the violations.

Under Costal Zone Land Use Ordinance §23.01.045, a development project can vary from the "strict application of the requirements" of the CZLUO only after submission of a written application, and approval by the Planning Commission at a noticed hearing based on required findings listed in §23.01.045. A variance is considered to be a land use permit and the public has the right to appeal the Planning Commission's decision on the variance under §23.01.042. The findings required as grounds for approval of a variance are as follows:

> (i) The variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use category in which such property is situated; and
> (ii) There are special circumstances applicable to the property, related only to size, shape, topography, location, or surroundings, and because of these circumstances, the strict application of this title would deprive the property of privileges enjoyed by other property in the vicinity that is in the same land use category; and
> (iii) The variance does not authorize a use that is not otherwise authorized in the land use category; and
> (iv) The variance is consistent with the provisions of the local coastal program; and
> (v) The granting of such application does not, under the circumstances and conditions applied in the particular case, adversely affect public health or safety, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements.

These mandatory findings correspond with the requirements of Government Code §65906. The County of San Luis Obispo does not have the authority to allow this or any project to vary from "the strict application of the requirements" of the CZLUO unless the requirements for application and approval of a variance are carried out. This rule protects the public from agencies giving some developers special privileges.

The County approved the winery development in the face of multiple violations of the strict application of the CZLUO without application for, notice, hearing, or approval of,

or opportunity to appeal variances, giving the developer special privileges to develop the land – an abuse prohibited by CZLUO §23.01.045 and by Government Code §65906.

Major elements of the project have not been submitted by the developer and an informed public decision as to whether the project conforms to the LCP is not possible.

As discussed throughout this appeal, the project was approved by the County in a void of information. Required plans, analyses and findings are missing. Entire elements of the project are missing making it impossible to know whether the project conforms to the LCP and the scope of coastal resource degradation. Because the County made its decision on information that was not available to the public and would not be available until later, a fair public hearing was denied.

For example, in addition to the required plans and findings discussed above, the entire grading plan, the winery processing system, the processing disposal system, the septic system, the lighting system, air quality features, fire safety features, and water quality features (to name a few) are all missing. Where the project has not been planned and where required plans, analyses and findings have not been made, informed decision making is not possible and a fair hearing is not provided.

Decisions made at some later date as to the plans for, among other things, the winery processing system, the processing disposal system, the septic system, the lighting system, air quality features, fire safety features, and water quality features will be made behind closed doors and LCP requirements for public notice, hearing, and opportunity for comment and appeal on the whole project will be evaded. Future decisions to approve or deny major project elements that will impact coastal resources will be made in a vacuum of public participation and accountability and will violate the LCP requirements for protection of coastal resources through maximum public participation.

This method precludes informed decision-making, prohibits relevant information from being presented to and by the public for open hearing analysis, and precludes analysis as to whether the project conforms to the LCP. Without analyses of conformance with the LCP and coastal act requirements, coastal resources are unprotected and the Coastal Act is meaningless.

What if the County approved a project and deferred review of coastal access features of the project until after permit approval, to be reviewed and decided upon by planning or building staff at the construction permit stage?

In addition, the findings to support adoption of the negative declaration and the findings of consistency with the County General Plan and LCP are conclusory and are not supported by evidence in the record.

The CZLUO <u>prohibits</u> issuance of a CDP without a drainage plan and no drainage plan exists.

CZLUO §23.05.042 prohibits issuance of a land use permit for a project where a drainage plan is required unless a drainage plan is approved first. According to §23.05.042 a prior approved drainage plan is required for projects within a Flood Hazard combining designation and drainage plans must be submitted with or be part of the land use application. A prior-approved drainage plan is also required where on-site erosion or inundation may be caused, or off-site drainage patterns may be changed by altering existing drainage patterns.

The purpose of the Flood Hazard designation, according to the Land Use Element Framework For Planning (pages 7-6, 7-7) is, among other things, to minimize the adverse effects on drainage ways and watercourses, to avoid damage to wildlife habitats and public and private water supplies.

This project is in a Flood Hazard area (Planning Commission staff report page 4, Initial Study page 10) and will disturb approximately two acres of erodible, poorly drained, shallow soil. On-site erosion is probable because the soils on the property are all designated as "not well drained" or "very poorly drained". (Initial Study pages 5, 10) Drainage on the property is affected by soils with slow percolation, steep slopes, and shallow depth to bedrock. (Initial Study page 15)

Run-off and sediment from the two acres of disturbed land will drain directly into tributaries of Santa Rosa Creek and into Santa Rosa Creek which provides habitat for endangered steelhead and red legged frogs, and the western pond turtle, a species of concern. (See below) Run-off and sediment from the project will also drain downstream to other domestic and agricultural wells and Cambria's domestic well behind Coast Union High School.

The permit must be denied because a prior-approved drainage plan is required and no drainage plan has been submitted or approved.

Public Works Policy 1 and the CZLUO prohibit CDP approval without a determination that adequate water capacity is available and no determination exists because plans for the winery processing systems have not been submitted by the developer.

Policies for Public Works, Policy 1 requires a demonstration of adequate water supply for the project and a finding of adequate water supply. Policy 1 is implemented by CZLUO §23.04.430 and prohibits approval of a land use permit without a determination "that there is adequate water ... capacity available to serve the proposed development."

The permit must be denied because no finding of adequate water capacity to serve the wine production, bottling factory, tasting room, residences, employee residences, and public events was made and the CDP approval is prohibited.

Condition of approval 10 explicitly violates this prohibition by allowing the developer to wait until after CDP approval to provide evidence of adequate water supply. This approval would be made by staff, outside of the permit approval process in a void of public participation and information. A finding of inadequate water supply for the

project after approval of the CDP would be too late. No legal public land use hearing process is in place to require project redesign or to prohibit the project based on inadequate water supply once the CDP is issued.

No determination of adequate water supply capacity has been made because the processing systems and other project elements have not been designed. It is impossible to make a finding of adequate water supply capacity because the developers and the county do not know how much water the project will use.

A finding of adequate water supply for the proposed use may not be possible and permanent resource degradation could occur because the project in an area of severe water shortage. Again, after issuance of the CDP it would be too late. This is why the law prohibits issuance of the CDP until after the water adequacy determination has been made.

While the Initial Study states on page 17 that the County's Environmental Health Division determined that there is preliminary evidence that there will be sufficient water available to serve the proposed project, this is not true. The statement by Environmental Health (Planning Commission staff report page 1-71) was that "Information on the water and waste water removal should be evaluated."

The Cambria Community Services District and existing Santa Rosa Creek agricultural users pump water from the Santa Rosa Creek aquifer for domestic, visitor serving, public and private recreation, and agricultural uses. The North Coast is experiencing water shortages and Cambria is under a declared water shortage emergency in which it stated that it does not have sufficient water in Santa Rosa and San Simeon creeks to meet the needs of current users.

Cambria has been certified within the LCP Resource Management System by the Board of Supervisors has having a Level of Severity II for water supply. Level of Severity II occurs when "the current rate of resource use will deplete the resource before its capacity can be increased." The County is required by the RMS to consider resource capacity and to enact restrictions on land development in the area but has ignored these requirements in favor of turning a blind eye to all water resource issues related to the project.

The permit is prohibited and must be denied because no demonstration, determination, and finding of an adequate water supply for the project have been made.

Public Works Policy 1 and the CZLUO prohibit CDP approval without a determination that adequate sewage disposal capacity is available and no determination exists because no plan for a sewage treatment system has been submitted by the developer.

Policies for Public Works, Policy 1 requires a demonstration of adequate water supply for the project and a finding of adequate water supply. Policy 1 is implemented by CZLUO §23.04.430 which prohibits approval of a land use permit without a determination "that there is adequate .... sewage disposal capacity available to serve the proposed development."

Again, the sewage disposal system has not been designed and it is impossible to make the determination of adequate sewage disposal capacity. After issuance of the CDP it will be too late. No legal public land use hearing process is in place to require project redesign or to prohibit the project based on inadequate water supply once the CDP is issued.

The permit must be denied because no demonstration, determination, and finding of adequate sewage disposal capacity to serve the wine production, bottling factory, tasting room, residences, employee residences, and events were made and the CDP approval is prohibited.

Under the facts provided in the Initial Study and Planning Commission Staff Report, it is doubtful that a demonstration and finding of sewage disposal capacity for the project can be made.

The proposed project will discharge during crush season 1,200 gallons per day of winery processing wastewater alone – not counting septic waste from residents, employees, events and tasting room patrons. (Initial Study page 16) All soils on the property are classified as having potential septic system constraints due to slow percolation and, in some cases, shallow depth of bed rock. (Initial Study pages 5, 10) The soils on the property are all designated as "not well drained" or "very poorly drained." (Initial Study pages 5, 10) Drainage on the property is affected by soils with slow percolation, steep slopes, and shallow depth to bedrock. (Initial Study page 15)

Because of the shallow depth of bedrock, there may not be sufficient soil to provide adequate filtering of wastewater before reaching bedrock which could direct wastewater directly into groundwater sources or "daylight" on the ground surface. (Initial Study page 15, 16).

The County Environmental Health Department's comment on the project was that "Information on water supply and waste water removal should be evaluated." (Planning Commission staff report page 1-71)

The County approved the CDP in spite of:

- known serious constraints to the capacity of the land to process sewage at all;
  - the known fact that sewage could flow into groundwater and "daylight" on the ground surface because of the shallow depth of bedrock;
  - LCP requirements for a determination and finding of adequate sewage disposal capacity prior to CDP approval; and
  - the absolute prohibition of CDP approval without the determination of adequate sewage disposal capacity.

The permit should be denied because of the severe threats to coastal resources including the Environmentally Sensitive Habitat Areas of Santa Rosa Creek and its unnamed

tributaries, wildlife habitat, endangered species, and agricultural and domestic water resources caused by the land's inability to process sewage and the potential for sewage contamination.

The permit is prohibited and must be denied because no demonstration, determination, and finding of an adequate water supply for the project have been made.

The project is not designed to prevent significant degradation of riparian and creek habitats that protect endangered steelhead and red legged frogs.

Coastal Stream Policy 21 requires that "development adjacent to or within the watershed shall be sited and designed to prevent impacts which would significantly degrade the coastal habitat and shall be compatible with the continuance of such habitat areas. This shall include evaluation of erosion and runoff concerns."

The Cambria Community Services District report entitled "Trends in Juvenile Steelhead Production in 1994-2005 for Santa Rosa Creek" by D.W. Alley & Associates provides data and analyses of steelhead and steelhead habitat in Santa Rosa Creek. The creek is divided into "reaches" in the report. According to the report, the proposed winery and tasting room is in reach 1 of Santa Rosa Creek. (See attached map)

Significantly, reach 1 is the most critical habitat for steelhead in the entire watershed. It is reach 1, just adjacent to the proposed winery, that supports the highest density of large smolts – young fish that will venture to sea. (See attached graph) These bigger young fish are critical to the species in Santa Rosa Creek because they have a better chance of survival once they enter the ocean than do the smaller young fish.

The habitat in reach 1 supports the highest density of larger smolts in the entire creek system because it has higher stream flow and the right mix of sun and shade, shelter and food. This reach of the creek is critical to the health of endangered steelhead in Santa Rosa Creek – and reach 1 is now being threatened by the proposed winery development which has been approved in spite of multiple serious violations of LCP policies and ordinances for protection of coastal resources.

Run-off from winery operations, effluent disposal, and sewage disposal would degrade creek habitat by, among other things, increasing nutrients and causing algal blooms which could reduce the oxygen for steelhead. No plan has been submitted for treatment of sewage and winery production effluent as required to show that the project is designed to prevent degradation of the steelhead habitat by increased nutrients and sewage contamination. Until the plan is produced it is impossible to make a finding that the project will adhere to Coastal Stream Policy 21.

No finding has been made as required that the land has the capacity to supply sewage disposal via a septic system. Instead, the Initial Study provides soils data to show that the land may not be suitable for a septic system at all and that sewage may, in fact, "daylight" onto the soil and run into groundwater. These conditions will significantly

degrade habitat in reach 1 including habitat for endangered steelhead in violation of Coastal Stream Policy 21.

Sedimentation from disturbed soils and drainage from winery processes may degrade steelhead reach 1 habitat by clogging and silting the rocky creek bottom and reducing the stream flow. But again, no drainage plan has been produced as required. Instead, soils data provided in the Initial Study discussed above show that erosion and sedimentation are likely to occur. The project violates Coastal Stream Policy 21 because shallow bedrock, steep slopes, soils designated as "not well drained" and "very poorly drained", and slow percolation will cause run-off and sediment to drain into Santa Rosa Creek at reach 1 and degrade that important steelhead habitat in violation of Coastal Stream Policy 21.

The development is set within the 100 foot setback required by Policy 28 for Environmentally Sensitive Habitat to protect habitat such as the critical steelhead habitat provided by reach 1. No data and analysis were produced of impacts to steelhead habitat to show that the project will not significantly degrade that habitat. Without a showing that the project will prevent impacts that would significantly degrade this habitat, the project is in violation of ESH Policy 28 and Coastal Stream Policy 21.

The developer has provided no design data and analysis to show that an adequate water supply is available for the proposed development as required. In an area of severe water shortage, additional pumping will decrease the flow in reach 1 and could degrade the critical habitat within reach 1 that supports the densest population of steelhead in the Santa Rosa Creek system. Without a showing of adequate water supply the proposed development is in violation of Coastal Stream Policy 21.

The processing, bottling, public event and tasting room elements of the development should not be allowed until standards developed from in-stream flow studies are adopted and applied.

LandWatch strongly supports the Coastal Commission's requirement for stream flow studies for the San Simeon and Santa Rosa Creek watersheds. Until those studies are completed with standards to which industrial and commercial uses in ag land can be held, no new non-agricultural uses should be allowed in coastal agricultural land use areas.

This winery project is not a principal permitted use in the agricultural land use category. It is a commercial/ industrial project consisting of a 6500 square foot wine tasting room, crushing pads, 3000 sq. ft. bottling factory, business offices, employee housing, and visitor and employee parking lots. It is in an agricultural zone on a narrow winding road of bucolic small family ranches and farms. It is not contiguous with a commercial zone.

New industrial and commercial development proposed for agricultural land use areas in the North Coast Planning Area should be subjected to approval standards and findings to assure that water withdrawals from coastal stream aquifers will be sufficiently limited to protect (1) adequate in-stream flows necessary to support sensitive species and other riparian/wetland habitats; (2) underlying groundwater aquifers; and (3) agricultural

resources. Even though the in-stream flow studies being required by the Coastal Commission will be part of the Cambria Area Plan, the flow studies will be applied to proposed development outside the District's service area within these watersheds to protect sensitive coastal habitats and species.

In this case, the processes to be used by the developer have not been designed so that it is not known at this time how much water the project will use. It is a misuse of the land use approval and coastal development approval processes to approve a project as conforming to resource protection standards and requirements without knowing how much water the project will use. It is impossible to make the finding in a void of valid data. The project should not be approved until water consumption is known and standards for water conservation and in-stream flow are applied.

No new industrial and retail uses in agricultural land use areas in the Santa Rosa and San Simeon water sheds should be allowed until the in-stream flow studies have been completed. Once stream flow data, baselines, and standards are adopted, new development can be held accountable to standards that will protect coastal resources through adequate stream flow.

The development is not allowed because it violates the 100 foot riparian setback requirement and the "adjustment" does not apply.

Environmentally Sensitive Habitat Policy 28, "Buffer Zone for Riparian Habitats", and Coastal Zone Land Use §23.07 174(4) require new development to be set back from the upland edge of riparian vegetation a minimum of one hundred feet. The County has approved this project even though the proposed development will be within 70 feet and 90 feet of two tributaries to Santa Rosa Creek that are on the property.

Section 23.07.174(4)(B) provides for setback "adjustments" through a minor use permit approval based on specified mandatory findings. The County relied on an "adjustment" of the setback requirement to allow the project.

According to CZLUO §23.01.044 the "adjustment" is allowed only when a standard identifies specific circumstances under which reduction of the standard is appropriate. The applicant must submit an adjustment request with supporting materials and documentation of qualifications for adjustment. The planning director may approve the adjustment when a finding is made that the criteria for the adjustment specified in the standard are satisfied. The criteria for adjustment of the 100 foot setback standard are:

> (i) Alternative locations and routes are infeasible or more environmentally damaging; and
> (ii) Adverse environmental effects are mitigated to maximum extent feasible; and
> (iii) The adjustment is necessary to allow a principal permitted use of the property and redesign of the proposed development would not allow the use with the standard setbacks; and
> (iv) The adjustment is the minimum that would allow for the establishment of a principal permitted use.

The adjustment does not apply to this project because, according to Table O of the LCP Framework for Planning, the winery is not a principal permitted use in the agricultural land use area. The winery is designated as "S-3", a special use, allowable on ag land only subject to special standards.
Violation of the setback will degrade ESHA including riparian habitat and creek habitat that supports endangered steelhead and red legged frogs, and western pond turtles - a species of concern. (See below)

The project should be denied because the land use overtly violates Environmentally Sensitive Habitat Policy 28, "Buffer Zone for Riparian Habitats" and Coastal Zone Land Use §23.07 174, an "adjustment" does not apply to special uses, and no variance was applied for or approved.

The proposed winery and tasting room is not allowed on the property because it is 1.7 miles from Main Street; no variance was approved and the "waiver" violated the CZLUO.

A winery with a tasting room is not allowed on the property because the proposed winery driveway is 1.7 miles from Main Street and CZLUO §23.08.042 requires as a special standard (Framework for Planning Table O) that it must be within 1 mile of the nearest arterial or collector road. This rule protects coastal agricultural land uses from leap-frog encroachment of retail tasting rooms and the impacts of wineries on coastal farm and ranch lands. No variance was applied for or approved to allow the violation.

The violation, if allowed, will translate directly into threats to coastal agricultural resources that are to be protected by the one mile limit and by full public participation in land use decisions related to coastal resource protection. Allowing the variance has given the Developer a special privilege over other land owners to build the winery more than a mile away from an arterial or collector road in explicit violation of §23.08.042 and Government Code §65906.

Additionally, under the circumstances the variance will, in violation of the CZLUO, threaten the safety and welfare of students and adults who attend school and work at Coast Union High School, Leffingwell High School, Cambria Community Day School, and Head start Pre-school. All of these school facilities are between the proposed winery tasting room/event center and the nearest arterial. The sole purpose of the tasting room is to serve alcohol to patrons and sell alcohol.

If allowed to proceed in violation of the CZLUO, students and staff on their way to and from school and school events will share the same narrow, winding road with partying tasting room patrons and event-goers and will be endangered by increases in traffic and by drivers under the influence of alcohol after leaving the tasting room. Events at the site will involve many people driving by these schools in mass after consuming alcohol.

The County claims that the 1 mile standard has been "waived". This is not true. The requirement that the winery driveway must be within one mile of an arterial or collector

is a special standard that can be modified or waived only based on specified findings and the County did not make these required findings.

"Table O" of the Coastal Zone Land Use Element designates agricultural processing such as a winery as "S-3". A winery with a tasting room is not as a principal permitted use on ag land. (page 6-25) This means that the use of ag land for this winery is allowable only subject to special standards under CZLUO §§23.08.040 and 23.08.042, Framework for Planning (1-3, 6-22, 6-23), and the North Coast Area Plan Planning Area Standards (8-1).

Under §23.08.042, the mandatory special standard is that the winery must be within 1 mile of an arterial or collector to be consistent with the LCP. Section 23.08.012, entitled "applicability of standards for special uses", sets out the procedure for waiving or modifying special standards. According to §23.08.012:

> "waiver or modification of standards shall be granted through development plan approval (Section 23.02.034) only where the planning commission first makes findings that:
>
> > (1) Set forth the necessity for modification or waiver of standards by identifying the specific conditions of the site and/or vicinity which make standard unnecessary or ineffective.
> > (2) Identify the specific standards of this chapter being waived or modified.
> > (3) The project, including the proposed modifications to the standards of this chapter, will satisfy all mandatory findings required for development plan approval by Section 23.02.034(c)(4) of this title.

This required procedure for a waiver or modification of the 1 mile special standard is in addition to the requirement for a variance under §23.01.045 (§23.08.012 and North Coast Area Plan page 8-1)

The County did not make these required findings and no variance exists. The permit must be denied because the County's approval of the winery violates the special standards for protection of coastal agricultural resources without a variance and in violation of the special standard requirements of Table O, the Land Use Element and the CZLUO.

The project is classic leap-frog, growth-inducing development and violates Coastal Act §30250 planning and management policy for new development.

Planning and management policy for new development §30250 requires new commercial and industrial development to be located within, contiguous with, or in close proximity to existing developed areas that are able to accommodate it with adequate public services. Subsection (c) requires new development of visitor-serving facilities that cannot feasibly be located in existing developed areas must be located in existing isolated developments or at selected points of attraction for visitors.

The proposed winery, bottling factory, tasting room, and event center is miles away from any other industrial, commercial, or visitor serving area and the location has not been selected in the North Coast Area Plan as a point of attraction for visitors. It is off the beaten path, on a two lane winding road in undeveloped agricultural land most of which is still being worked for agricultural production by family ranchers and farmers.

If allowed, this classic leap-frog development will unnecessarily invade valuable agricultural land and set a precedent to induce the sprawl of industrial uses up Santa Rosa Creek road. Earlier allowed commercial uses in this agricultural watershed should not set a precedent to allow new encroachments in a void of updated resource data and standards.

Wineries and other agricultural processing in the coastal zone are not a principal permitted use on agricultural land according to "Table O" of the Coastal Zone Land Use Element and should be strictly held to the Coastal Act policy for new development to protect against the urbanization of the coastal agricultural uses of the North Coast.

The project should be required to incorporate green-house gas reduction components.

LandWatch San Luis Obispo County suggests the following:

In the spirit of California's effort to reduce global warming (Assembly Bill 32) project proponent shall demonstrate maximum controls to reduce green-house gases produced from the generation of electricity and the use of use of gases in this commercial wine production venture. To the maximum extent feasible project proponent shall utilize alternative forms of energy such as solar power and wind power and locate the event and wine tasting facilities out of the agricultural zone into a zone of commercial development. This will reduce vehicle trips with an additional decrease in green house gases.

The proposed project fails to conform to the North Coast Area Plan because the North Coast Area Plan is obsolete and a finding of conformance is impossible.

The site for the proposed project is the North Coast Planning Area. Issuance of a coastal development permit for development must be based on findings that the proposed development conforms to the requirements of the North Coast Area Plan as well as to the requirements of the broader Local Coastal Program, Coastal Zone Land Use Ordinances, and other County Ordinances that overlap into the coastal zone.

LandWatch San Luis Obispo County points out that the North Coast Area Plan is obsolete and no longer functions as a valid planning tool because, among other reasons, it contains no current baseline resource data on which findings of consistency with resource protection requirements can be made. Information about the availability, health, and locations of resources provides the empirical evidence needed to show that a proposed project does or does not conform to the resource protection requirements of the Local Coastal Program. The courts have held that where a general plan element is obsolete and

no longer functions as a planning tool, a finding of conformance with that element is impossible.

Environmental analyses and conclusions produced by the developer do not provide objective baseline data or objective analyses of the projects impacts on coastal resources. The project cannot be legally approved because it is impossible to make a finding of conformance with the obsolete North Coast Area Plan.

The Conservation Element is obsolete and no longer functions as a valid planning tool.

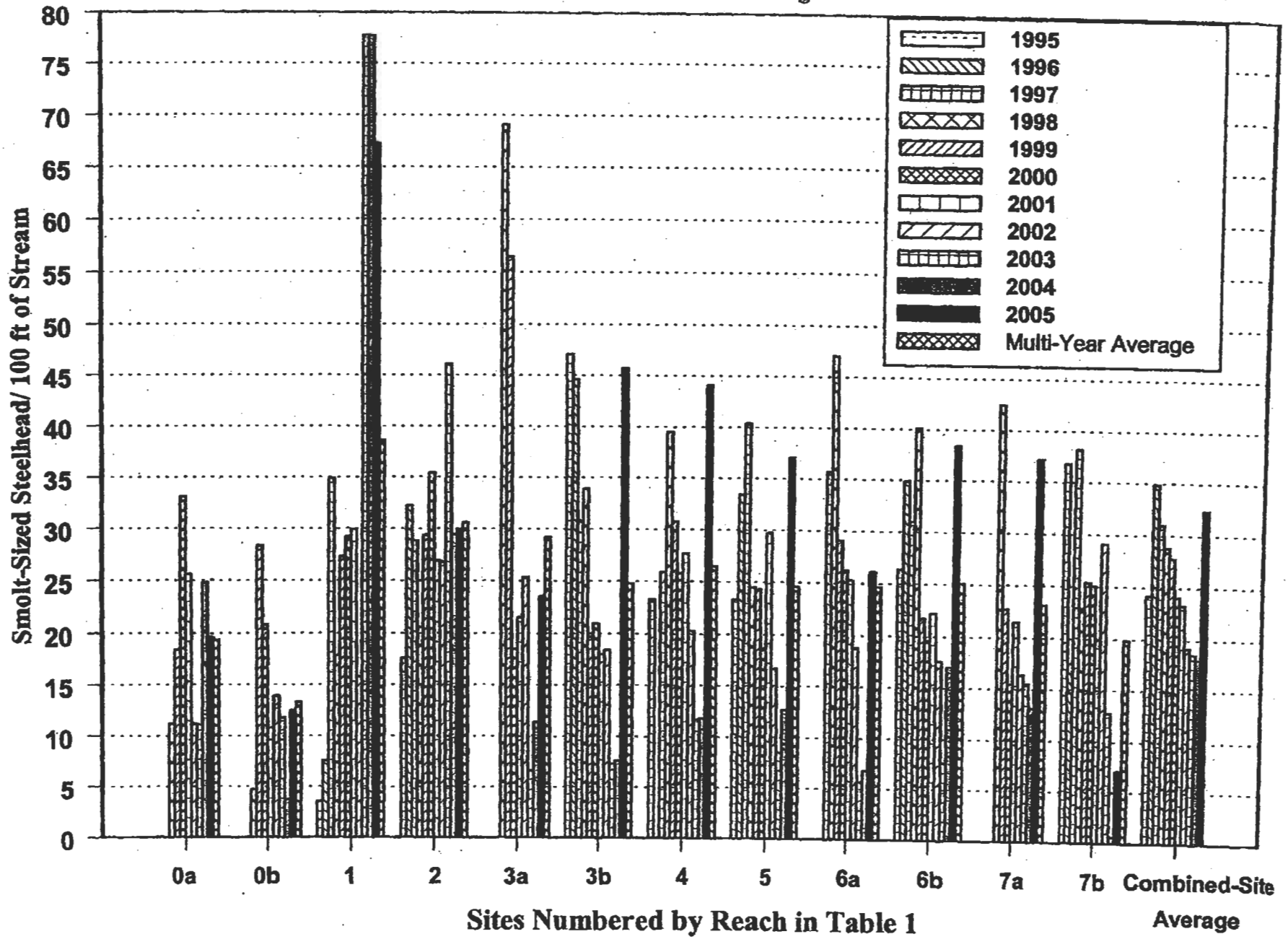
Likewise, it is impossible to make a finding of consistency with the Conservation Element until that Element of the General Plan is updated to include, among other things, current resource base line data upon which findings of consistency may be made. Until the LCP sections of the Conservation Element are brought into conformance with the requirements of State General Plan law no legal finding of consistency can be made. Therefore, the proposed project fails to conform to the LCP portions of the General Plan Conservation Element because the Conservation element is obsolete and a finding of conformance is impossible.

Respectively Yours,

LandWatch ,San Luis Obispo County

Michela Burton

Figure 12. Density of Size Class 2 and 3, Smolt-Sized Steelhead (=>75 mm SL) at Monitoring Sites in Santa Rosa Creek with Multi-Year Site Averages.



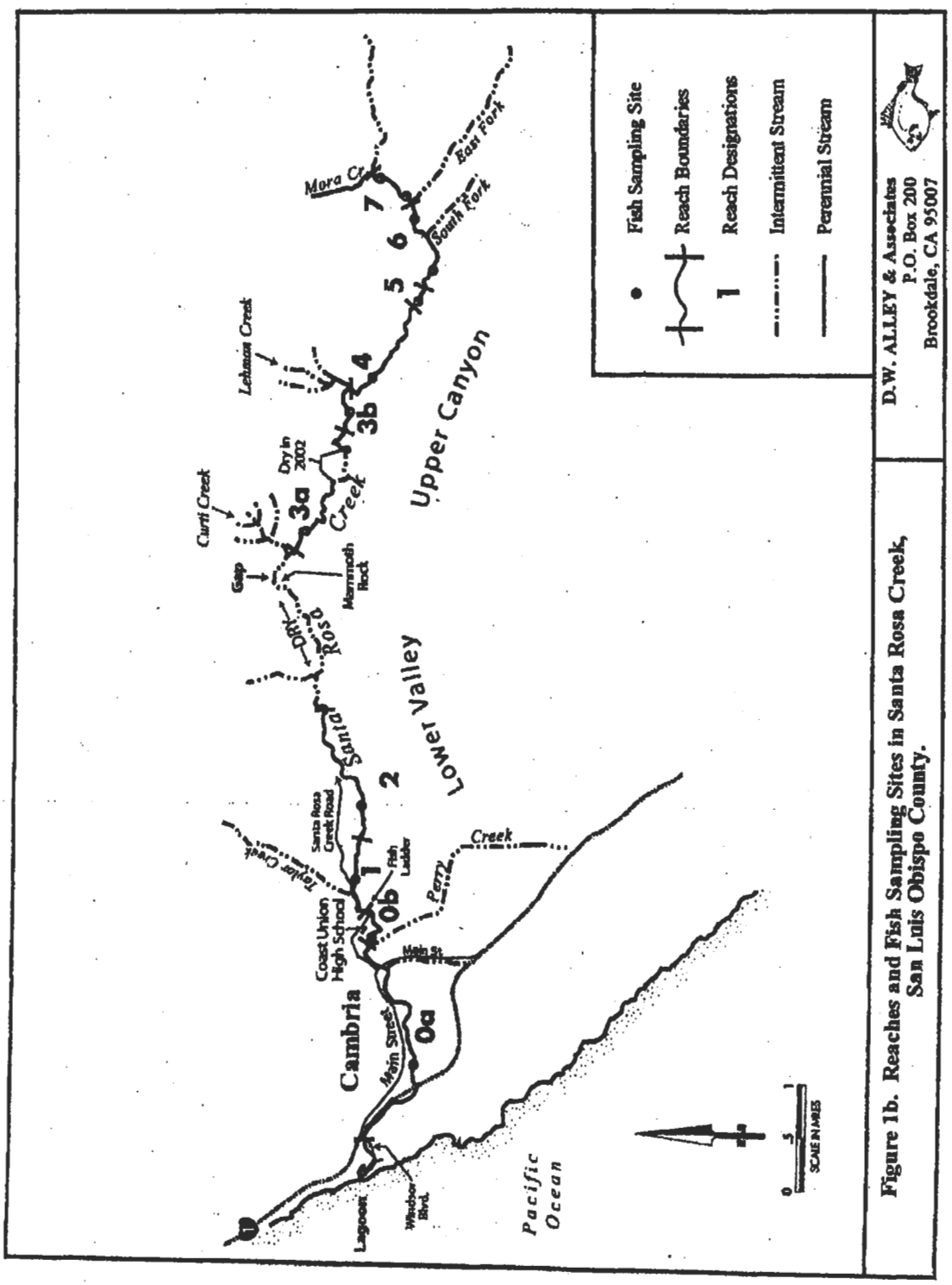


Figure 1b. Reaches and Fish Sampling Sites in Santa Rosa Creek, San Luis Obispo County.

16

STATE OF CALIFORNIA – THE RESOURCES AGENCY ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060-4508
VOICE (831) 427-4863 FAX (831) 427-4877

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Greenspace-the Cambria Land Trust

Mailing Address: Post Office Box 1505

City: Cambria, CA Zip Code: 93428-1505 Phone: 805-927-2866

SECTION II. Decision Being Appealed

1. Name of local/port government:

San Luis Obispo County Board of Supervisors

2. Brief description of development being appealed:

Stolo multi-phased Winery facility, parking lot, crushing pad, and tasting room located on both sides of a sub-standard rural road (Santa Rosa Creek Road) on prime ag land, adjacent to Santa Rosa Creek near Cambria, CA in San Luis Obispo County.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

The propose project is located approx. 1.5 miles east of Main Street on Santa Rosa Creek Road and just east of Coast Union High School. The Coastal Development Permit Number is DRC2005-00039. The project is located in San Luis Obispo County and is in the North Coast Planning Area.

4. Description of decision being appealed (check one.):

☐ Approval; no special conditions

☒ Approval with special conditions:

☐ Denial

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COASTAL COMMISSION
CENTRAL COAST AREA

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SLO-07-035

DATE FILED: July 13, 2007

Central Coast

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
- ☒ City Council/Board of Supervisors
- ☐ Planning Commission
- ☐ Other

6. Date of local government's decision: June 5, 2007

7. Local government's file number (if any): DRC2005-00039

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Don and Charlene Stolo
3770 Santa Rosa Creek Road
Cambria, CA 93428

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1)

(2)

(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal.** Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

We are appealing this proposed project because we believe the County of San Luis Obispo was remiss in approving this project because it is clearly inconsistent with the Local Coastal Plan in areas of species diversity and protection, waterway setback requirements, applying arbitrary and highly unusual variences without supporting findings, approving a multi-phased project without analysis of site conditions, ground water and creek contamination with septage and winery effluent, and a project that is on a flood plain.

The most biologically productive 'reach' on Santa Rosa Creek Watershed falls squarely where this proposed commercial winery, crushing, and tasting facility is proposed to be built. This is according to a scientific study (completed before this project was introduced to the San Luis Obispo Department of Planning and Building) titled, "Trends in Juvinile Steelhead Production 1994 - 2005 Santa Rosa Creek, San Luis Obsipo County", by Don Alley and prepared for the Cambria Community Service District.

The report calls the area where the winery is located 'reach one' and further describes that 'reach one' is the most critical reach in the Santa Rosa Creek Watershed for steelhead production for these reasons: adequate water supply, near perfect water velocities and temperature, nutrient level low, and a good mix of sun and shade that enhance insect production used for food. The habitat is ideal for steelhead smolts.

No analysis was considered regarding nutrient load increases that this project likely will produce with run-off, fertilizers, sewerage, and other related uses this project will be allowed to discharge into and onto soils not capable of perculating resulting in potential contamination of Santa Rosa Creek.

We support the position the local School Board has expressed concerning the so-called varience allowing a winery tasting room on sub-standard rural roadways. The LCP leaves no interpretation on this issue which makes the proposed project clearly not allowable.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signature of Appellant(s) or Authorized Agent

Date: July 10, 2007

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV

December 10, 2009

Aengus Jeffers
P.O. Box 3350
Monterey, CA 93942-3350

Re: Stolo Winery Project: Appeal Number A-3-SLO-07-035

Dear Mr. Jeffers:

We received your letter of October 21, 2009 and subsequent emails through December 8, 2009 regarding the Stolo Winery appeal. Based on those communications, we feel the need to respond for the record. First and foremost, we appreciate your review of the draft conditions that we provided you, and we appreciate the changes proposed in terms of a revised project that can be found LCP consistent here. For the most part, the revised project and the conditions can resolve appeal issues, as we have discussed, and we appreciate the time and effort on your part to get to this point. However, we were surprised to see that your client apparently now wants to go back to a winery project with public tasting, tours, sales and special events despite the fact that we long ago agreed that a project that would resolve appeal issues would not include these things. We were also surprised by your characterization of the resolution process in which we have been engaged, including alleged delays on our part and "continuing financial damages" to your clients. The purpose of this note is to clarify certain things said and alluded to in your letter and subsequent emails.

For the record, we do not and have not supported a public tasting, tours, sales and special events winery project, as you know. We have been clear on this point for some time. In fact, we have been working closely with you and Mr. Stolo's other representatives since we initially met in our Santa Cruz office on January 30, 2008 on a revised project that did not include such features as a means to address LCP issues in this case. Moreover, as you know, their elimination was the central point for coming to agreement on a revised project – an agreement we reached with you and Mr. Stolo's other consultants in the early part of this year. Needless to say, the switch to now include these features again after we have already committed significant staff resources towards crafting an appeal resolution without such features is not only a late surprise, but it means we now have to commit additional time to that aspect of the project when we all agreed before that that was not in the best interests of speedy resolution in this case. In fact, the late change to what we had previously long agreed to meant that although we were ready to go to a hearing for the revised project in October of this year, we have had to pull this item from the hearing calendar queue. In light of other items in that queue, including several with near term regulatory deadlines, it is not clear when this item will be re-agendized, but we will do our best to do so as soon as possible in 2010. At that time, we will provide a staff report in advance of the hearing that provides an analysis and evaluation of the LCP issues associated with the proposed project, including with respect to the LCP's one-mile limitation and special use standards exceptions; important LCP issues on which we

believe we have been clear with you from the beginning, and we believe we further have been clear with you as to why such requirements are relevant in this case, contrary to your assertions in your letter.

In addition and for the record, please note that we do not agree with your recent assessment of the resolution process to date, including with respect to the reason why it has taken us all (Commission staff and the Stolo's consultants) as long as it has to get to this point. From our perspective, we have been working closely with you all on a revised project designed to address LCP concerns since we initially met onsite in August of 2007, and again at our office in January of 2008. Yes, it took a long time for us all to reach consensus on a revised project, but such is the nature of the back and forth on which we embarked, and I think it's fairly clear that neither you nor us are to blame for that, so much as that is the time it took (including allowing for back and forth information exchange and response). Significantly, we reached agreement on a revised project earlier this year; a project that did not include a tasting room, sales, tours, and special events, and thus resolved the primary issues associated with the appeal as we had been discussing since the beginning. Subsequently, we developed draft terms and conditions designed to implement the agreed to project and forwarded them to you in early September 2009 with an eye towards agendizing this matter for an October 2009 Commission hearing, as we all had discussed. You subsequently requested additional time to review the documentation, and you requested a later hearing. We continued to inquire about the status of your review, and you continued to ask for a later hearing and more time. Finally, we received your letter which identified for the first time that we were no longer in agreement on a revised project and asked that the matter be agendized immediately. Thus, from our perspective, working towards resolution has taken time, as it often does. This is normal. The delay, though, is now attributable to the unexpected change regarding the nature of the winery that would be under consideration. Again, we will do our best within our limited staff resources to timely bring this to a hearing in 2010, but must find an appropriate hearing slot in light of competing workload demands and regulatory deadlines.

In sum, when your client unexpectedly backtracked on the agreement we reached, it changed the nature of our review, rendered considerable work completed on our part moot, and increased the amount of additional time necessary to bring this matter to hearing. As such, your client's reversed position has and will continue to lead to delay. Again, we will do our best to re-agendize this matter as quickly as possible, but we also have commitments to other projects in our hearing queue, including several appeals in San Luis Obispo County that were filed before your client's and that are also waiting for hearings.

If you wish to discuss this matter further, feel free to contact me at 831-427-4863.

Sincerely,

Jonathan Bishop
Central Coast District Office

Cc: Don Stolo; Jamie Kirk; Rachel Kovesdi

Kirk Consulting

Date: December 29, 2007
To: Jonathan Bishop
From: Rachel Kovesdi
RE: Dos Cruces Winery Appeal No. A-3-SLO-07-035

Dear Jonathan:

I hope you're doing well. Thank you for your letter of December 10, 2009. Thank you also for your collaborative approach to modifying the project in order to achieve full LCP consistency. As you say, "the revised project and the conditions can resolve [the] appeal issues", and we, too appreciate your time and effort getting to this point.

You indicate in your letter that you do not support public tasting, tours, sales or special events. Our understanding of your basis for this position has been the discrepancy between the County's Circulation maps and Adelaida Area Plan maps (both of which identify Santa Rosa Creek Road as a collector road) and the North Coast Area Plan maps. We understood that if Santa Rosa Creek Road were in fact identified as a Collector Road, the project would be LCP compliant.

We would like clarification, given the San Luis Obispo County Public Works Department determination that Santa Rosa Creek Road is indeed a collector road (attached), as to why a winery with tasting room is not LCP consistent in the proposed location. Or, if you for some reason reject the Public Works determination, why the modification allowed by LCP section 23.08.042 and the finding made by the San Luis Obispo Board of Supervisors is not appropriate in this instance. An internal mapping inconsistency within the County's General Plan and County Road Maps should not obliterate this LCP consistent project.

Additionally, inasmuch as the proposed tasting use does not result in a single physical change to the physical layout of the site or structures on it, we request that this item be agendized before the Commission at the earliest available hearing, with the staff report and conditions as currently written, if necessary. Since the tasting use entails no changes to the physical site or corresponding impacts, all CDP conditions other than Special Condition 8 remain constant with either a tasting room or winery-only project.

Please understand that (as we have discussed repeatedly since January of 2008) the Stolos have carefully deliberated over whether a winery-only project would be feasible for them. However, particularly given the recent economic implosion, they have recently determined that a small on-site sales program is essential to the success of their family owned agricultural operation.

Again, we appreciate your thoughtful consideration and consensus building during this process. We look forward to a prompt resolution to this issue. Regards and season's greetings to all,

Rachel K. Kovesdi
Kirk Consulting

8830 Morro Road, Atascadero, CA 93422
Phone: 805-461-5765 Fax: 805-462-9466

Kirk Consulting
A California Corporation

Date: October 28, 2009
To: Jonathan Bishop, Coastal Planner
From: Rachel Kovesdi, Kirk Consulting
Re: Appeal No. A-3-SLO-07-035, Dos Cruces Winery Project DRC2005-00039

Jonathan:

Attached please find the final CDP exhibit for the above-referenced appeal. We attempted to email this to you this afternoon, but your mailbox is apparently full.

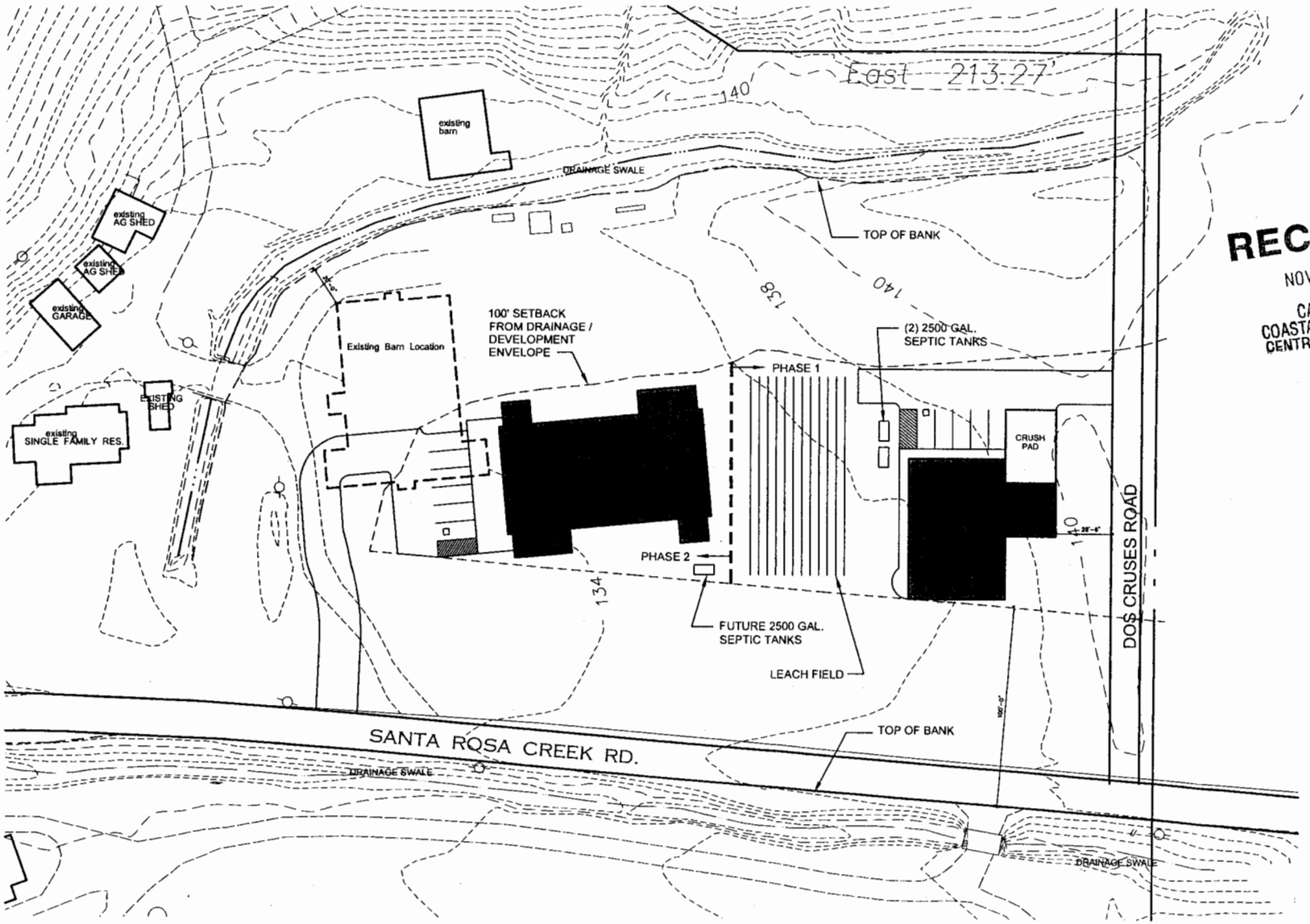
Please do not hesitate to contact our office with any questions. Regards,

Rachel Kovesdi

Enclosures:

Dos Cruces Winery CDP Exhibit
Copy of 10/28/09 email (transmission failed)

8830 Morro Road, Atascadero, CA 93422
Phone: 805-461-5765 Fax: 805-462-9466



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TRUE N

0 25' 50' 100'

COASTAL DEVELOPMENT PERMIT SITE PLAN

MW ARCHITECTS, INC

LICENSED ARCHITECT
WAYNE R. STUART
C-31,427
REN. 12/31/09
STATE OF CALIFORNIA

ARCHITECTS:
MICHAEL C. PEACHEY
WAYNE R. STUART
SAN LUIS OBISPO, CA 93401
225 PRADO ROAD, SUITE G
TEL: (805) 544-4334
FAX: (805) 544-4330

JOB TITLE
STOLO FAMILY WINERY
3770 SANTA ROSA CREEK ROAD
CAMBRIA, CALIF.

SHEET TITLE
COASTAL DEVELOPMENT PERMIT SITE PLAN

JOB NO.	SHEET NUMBER
03155	DP1
DATE 10.21.09	
APPL. NO: XX	REFERENCE SHEET

Kirk Consulting
A California Corporation

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MAY 18 2009
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Date: May 12, 2009
To: Jonathan Bishop, Coastal Planner
From: Rachel Kovesdi, Kirk Consulting
Re: Appeal No. A-3-SLO-07-035, Dos Cruces Winery Project DRC2005-00039

Jonathan:

Attached please find our compilation of all issues contained in the Commission and third-party appeals to the above-referenced Coastal Development Permit. As you know, we have asked the Stolo family to consider removing the tasting room feature from the project, so that we may proceed in a collaborative way to resolve all outstanding issues at a staff level prior to proceeding to hearing. We are awaiting their final decision on that issue.

In the meantime, we believe that we addressed the issues raised in the appeals pertaining to habitat and resource protection, preservation of agriculture, water use and quality, flood hazard, land use and conformance with all applicable LCP policies. (We have also enclosed a memo from the Wallace detailing the wastewater processing compliance with Central Coast Regional Water Quality Control Board (RWQCB) Order No. R3-2008-0018.)

After you review these materials, please confirm that the proposed north side consolidation plan addresses all appeal issues (other than the collector road issue) and that staff can support this modified project. Do not hesitate to contact our office with any questions or concerns. We appreciate your thoughtful review and look forward response.

Regards,

Rachel Kovesdi

Enclosures:

Appeal Issues Memo (10 pages)
Wallace Group Wastewater Memo (2 pages)

8830 Morro Road, Atascadero, CA 93422
Phone: 805-461-5765 Fax: 805-462-9466

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Kirk Consulting

Dos Cruces Winery (DRC2005-00039)
Coastal Commission Appeal No. A-3-SLO-07-035
Appeal Issues

Introduction:

Since the filing of the appeal in July of 2007, there have been subsequent meetings with the project team and Coastal Commission staff to remedy the issues raised in the appeals filed on the project. Based upon the feedback provided by Coastal Commission staff, the project has been revised to consolidate all components of the project on the north side of Santa Rosa Creek Road in one distinct development envelope. We will refer to these changes and the new site plan that was generated in response to staff's comments as the North Side Consolidation Plan (NSCP).

Appellant: Commissioner Pat Kruer, Commissioner Mary Shallenberger

Appeal Issues:

Stream and Riparian Habitat Protection: The approved project locates new development in close proximity to these sensitive habitat areas and it appears that the County's approval lacks adequate measures to avoid impacts and significant disruptions to the resources as required by the LCP, such as adequate setbacks. The required riparian habitat setback is 100 feet. The adjustment findings required to allow a setback less than 100 feet (CZLUO Section 23.07.174 et seq) made by the County do not appear to be supported by the evidence at this location.

Response: The original project approval granted an adjustment to the 100 foot riparian setback as allowed by the LCP from 100 feet to 70 feet. The setback modification was approved based on observations and recommendations by the project biologist as well as independent review by County planning staff. After the project approval, subsequent review of the setback was conducted by Department of Fish and Game staff which confirmed that the proposed 70 foot setback was sufficient to protect the drainage channel and any riparian/aquatic species therein.

- Under the NSCP, all components of the proposed project have been located outside of the required 100-foot habitat setback, as specified by the LCP.
- The processing facility, support structures and use areas including parking and wastewater treatment, are located entirely outside of the 100 foot setback.
- In the original project description and findings of approval for the riparian setback, the Stolo's proposed to implement a riparian restoration area along a portion of the north drainage area behind the existing barn. The Stolo's were proposing to restore an area that had been previously disturbed by an existing agricultural access road. Although the setback adjustment is no longer needed, the Stolo's are still willing to implement the mitigation measure and restore/revegetate the portion of the area along the north drainage behind the

barn with native riparian vegetation when the new barn is constructed. This restoration work will be conducted under the supervision of the project biologist.

Agriculture: LCP Policy 1 for Agriculture requires that prime agricultural land be maintained, in or available for agricultural production. Other land (non-prime) suitable for agriculture must be maintained in or available for agricultural production unless, among other reasons, the permitted conversion will not adversely affect surrounding agricultural uses. Allowable non-agricultural uses on agricultural lands may only be permitted where the least amount of agricultural land is converted.

LCP Policy 3 for Agriculture and Section 23.04.050 of the CZLUO identify requirements to protect agricultural lands when non-agricultural supplemental uses are approved to support agriculture. In such cases, the LCP requires agricultural easements, among other measures, over all agricultural land shown on the site plan and/or an open space easement over all land unsuitable for agriculture.

Policy 4 for Agriculture requires that new agricultural structures necessary to agricultural use, where possible, be located on other than prime agricultural soils and shall incorporate whatever mitigation measures are necessary to reduce negative impacts on adjacent agricultural uses.

In sum, the approved project locates new development on designated agricultural land and it is not clear that such development can be found consistent with the LCP's agricultural protection policies, including those cited above.

Response:

The intent of the original project was to locate the processing facility on the perimeter of the farm field on the south side of Santa Rosa Creek Road behind existing vegetation and adjacent to an existing PG&E facility. This location was chosen to screen the structure from Santa Rosa Creek Road as well as provide convenient access for transportation of crops during the crush season. The original project converted a very small area of prime agricultural land to ag processing uses, the proposed tasting room was located on non-prime soils.

In meeting with Coastal staff, alternatives were discussed to further minimize impacts to agricultural lands and prime soils. Special emphasis was placed on reducing or eliminating impacts to the south farm field. The NSCP clusters the project components in a small envelope on the north side of Santa Rosa Creek Road. This area has acted as the homestead for the Ranch with several existing structures being located within close proximity to the proposed winery structures. This area has not been used for agricultural purposes due to its limited size and existing development. The NSCP development plan protects the integrity of the agricultural production area on the south side of the property, leaving it entirely intact and uninterrupted by any new facilities.

- The project is consistent with LCP Policy 1 because the prime agricultural land on the site is available and will be maintained for agricultural production.

- The project is consistent with LCP Policy 3 because the entire property is already protected by a Williamson Act contract. No agricultural easement is warranted because all structures proposed in the NSCP are agricultural structures.

- The project is consistent with LCP Policy 4 because under the NSCP the new agricultural structures are clustered in a small area buffered from on-site and off-site agricultural uses. The only undeveloped areas on the site that contain non-prime soils are currently in agricultural production or are located within the required 100 foot riparian setback.

Coastal Staff Input

In addition to developing site plan modifications with Coastal Commission staff, we have also provided clarification and resolution to a number of issues that were raised by Commissioners, staff and neighbors in the various appeals. The following summarizes the issues that were discussed and resolved with Coastal Staff:

Riparian Setbacks: The NSCP consolidates all project components on the north side of Santa Rosa Creek Road, outside of the 100-foot riparian setbacks. The NSCP clusters the development on the portion of the site that is located farthest from Santa Rosa Creek. The resulting setback from Santa Rosa Creek to any project-related improvements is a minimum of approximately 1,300 feet and more than 100 feet from ephemeral drainages. The NSCP meets all riparian setback requirements of the LCP.

Biological Resources: Special status plants and animal species were not identified on the project site. The ephemeral drainages on the site do not support breeding habitat for California Red Legged Frog (Althouse and Meade Biological Report July 06) or Steelhead (Mike Hill, Department of Fish and Game Correspondence 10/24/07). CRLF are unlikely to occur on the property outside of Santa Rosa Creek, which is located on the southern boundary of the property - more than 1,300 feet and across Santa Rosa Creek Road from the development envelope. The Biological Report prepared for the project concluded that there would not be direct impacts to the on-site ephemeral drainages. (This conclusion was based on a 70-foot setback). Mitigation measures were included in the local agency approval to reduce potential indirect impacts to a less than significant level . The mitigation measures include a creek protection plan which outlines requirements for creek protection, erosion control, and best management practices to be implemented during and after construction activities. The Stolo's remain willing to implement these mitigation measures, as well as maintaining the LCP consistent 100 foot setback from all riparian areas.

Hydrology/Water Quality:

Agricultural Practices: The existing and future farming activities are not a component of the Coastal Development Permit. However, best agricultural management practices are and will continue to be utilized in all aspects of the Dos Cruces winery and farming operations.

Winery Wastewater System: The winery waste water disposal system will comply with the Regional Water Quality Control Board Waste Discharge Requirements (WDR) Order R3-2008-0018 to ensure protection of water resources. The Regional Water Quality

Control Board considers a 10,000 case production winery a 'small winery'. Small wineries are eligible for a waiver from the RWQCB Discharge Permit requirements. The WDR Order specially states that small wineries disposing of process wastewater by use of irrigation do not pose a significant threat to water quality when the depth to groundwater at the irrigation area is greater than 8 feet. The process wastewater generated by Dos Cruces winery will initially be utilized as supplemental irrigation water for the existing 10 acre avocado grove and vineyard and/or dust suppression on the north side of the road. As the case production increases, additional areas will be planted on the south side of the road and the wastewater will be beneficially reused for irrigation on the south side as well. Depth to groundwater in this area far exceeds 8 feet and all application areas will be located more than 100 feet from on-site drainages. Well tests located on the lower portions of the site identify the ground water level at more than 25 feet. Please see attached Wallace Group memo dated May 1, 2009.)

Domestic Wastewater System: Three part-time employees are proposed for the winery, in addition to the existing property owners and farm workers. Therefore, a standard domestic septic system and leach field in compliance with Uniform Plumbing Code and Basin Plan requirements to serve the employees and limited public use can be accommodated on the site.

Water Use: The annual production water use for a 10,000 case winery is 160,000 gallons or .50 acre feet a year. The conversion of agricultural crops from irrigated row crops to vineyards will result in a substantial reduction of overall water use on the site (+/- 40 acre feet a year). Therefore the .5 acre feet a year of water required for the winery use is a negligible amount of water and will not have an impact on existing water resources.

Water Supply: Based on a four hour pump test, the existing ag well is rated for a sustained yield of 250 gallons per minute or 403 acre feet per year. According to Alfred Fiscalini, who was born on Santa Rosa Creek Ranch over 70 years ago and once owned the subject property, the current well site goes back to the 1920's. Therefore adequate water exists on the site to serve the proposed project.

Traffic: The Negative Declaration adopted by the County of San Luis Obispo ("County") concluded that the project's impact to existing levels of service on Santa Rosa Creek Road will be insignificant. The County's determination was based on the November 2004 Traffic Summary and May 2007 Response to Comments prepared by Orosz Engineering Group. The Traffic Report concluded that the project would result in 3 pm peak hour trips on weekdays and 21 peak hour trips on weekends. The existing roadway to the winery site is a two lane road striped down the middle with recently improved shoulders. The existing roadway carries a maximum of 1,920 average daily trips (ADT) and operates at a Level of Service (LOS) B. The added traffic will not change the existing LOS therefore there are no traffic related impacts.

Flood Hazard: No structures are proposed within the Flood Hazard area. The Flood Hazard area is confined to areas on the south side of Santa Rosa Creek Road. All structures are located on the north side of Santa Rosa Creek Road.

Appellant: Greenspace – the Cambria Land Trust

Appeal Issues

Biological Resources: The location of the winery is in a biologically productive 'reach' on the Santa Rosa Creek Watershed according to a study done by Don Alley for the Cambria Community Service District. This 'reach' is the most critical reach in the watershed for steelhead production.

Response: See Riparian Setback and Biological Resources Response under Coastal Staff Input Section.

Hydrology/Water Quality: No analysis was considered regarding nutrient load increases that this project likely will produce with run-off, fertilizers, sewage, and other related uses. The project will be allowed to discharge into and onto soils not capable or percolating resulting in potential contamination of Santa Rosa Creek.

Response: See Hydrology/Water Quality Response under Coastal Staff Input Section.

Transportation/Traffic: The winery is located on a sub-standard, rural roadway.

Response: The Project is fully compliant with CZLU0 section 23.08 .042(d)(2)(ii) as the Project's driveway abuts Santa Rosa Creek Road, a designated "collector" road. Enclosed with this letter as Exhibit "A" is a portion of the County of San Luis Obispo's Regional Transportation Plan which designates the entire length of Santa Rosa Creek Road as a "collector" road.

Due to a mapping error, the section of Santa Rosa Creek Road immediately adjacent to the project is not shown as a collector road in the North Coast Area Plan. Therefore, given the internal inconsistency of County documents and maps, the Planning Commission and Board of Supervisors determined that the most conservative approach to evaluating the project would be to assume that Santa Rosa Creek Road is not a collector.

Based upon the above assumption, the project requires a modification (not a variance) to the location standard as allowed by Section 23.08.012 which states:

> *b. Exceptions to special use standards. The standards of this chapter may be waived or modified through Development Plan approval, except where otherwise provided by this chapter and except for standards relating to residential density or limitations on the duration of a use (unless specific provisions of this chapter allow their modification). Waiver or modification of standards shall be granted through Development Plan approval (Section 23.02.034) only where the Planning Commission first makes findings that:*
> *(1) Set forth the necessity for modification or waiver of standards by identifying the specific conditions of the site and/or vicinity which make standard unnecessary or ineffective.*
> *(2) Identify the specific standards of this chapter being waived or modified.*

(3) The project, including the proposed modifications to the standards of this chapter, will satisfy all mandatory findings required for Development Plan approval by Section 23.02.34c(4) of this title.

The required findings were made by both the Planning Commission and Board of Supervisors. The Board of Supervisors and Planning Commission found that the modification to allow the principal access driveway for the tasting room to be located more than 1 mile from an arterial road was justified because "based on the results of the traffic study prepared for the project, the condition of the road is a two lane road and striped from Main Street to the site, the additional traffic that will result from the project will not result in a significant change to the existing level of road service or traffic safety levels".

It must be noted that only the tasting room element of the project requires a modification of standards (based on the assumption that Santa Rosa Creek Road is not a collector in this location). The Coastal Zone Land Use Ordinance contains no standard requiring winery production facilities to be located within a certain distance of a collector road.

Please also refer to Traffic Response under Coastal Staff Input Section.

Appellant: Kirsten Fiscalini

Appeal Issues:

Hydrology/Water Quality:

1. There is no specific plan for waste water treatment.
2. Unknown effects of the treated water to aquifer and creek.
3. Unlimited water usage and effects on aquifer, Santa Rosa Creek, established agriculture, Coast Union High School and residents. No regulation of water usage.

Response: See Wastewater, Water, and Flood Hazard Response under Coastal Staff Input Section.

Land Use/Planning:

1. Covers prime soils.
2. North side of project is in a flood plain.
3. Effect on surrounding agriculture land values.
4. Access to processing facility located on the south side of the property requires access over a creek.
5. Code requiring a setback of 100 feet or more from roads, fence lines, tributaries and Santa Rosa Creek was waived.
6. County Ordinance wavered [sic.]

Response: Continued agricultural use of the site should not affect adjacent property values, nor would such an effect be an environmental impact. Under the NSCP, the processing facility has been relocated to the north side of Santa Rosa Creek Road and will be accessed from the existing roads/driveways. The LCP does not require a 100 foot setback from roads or fence lines. Refer also to Agriculture Response under Coastal

Commission Appeal Section, as well as Riparian Setback and Biological Resources Response under Coastal Staff Input Section.

Other:

1. Insufficient parking for events
2. Increased traffic on windy rural road
3. Possibility of introduction of insects and diseases from other vineyards. Use of pesticides to prevent these insects and diseases effect on surrounding agriculture crops.

Response: See Agriculture Response under Coastal Commission Appeal Section, as well as Traffic Responses under Coastal Staff Input Section and Greenspace appeal.

Appellant: Landwatch San Luis Obispo County

Appeal Issues:

1. The winery is only part of the project - the whole project has been split into two parts and issued two parallel separate CDPs.

Response: The approved Minor Use Permit referenced, for a replacement residential garage (same footprint) and guesthouse, was not associated with the winery proposal and qualified for a Categorical Exemption (Class 3) pursuant to CEQA Guidelines due to its size, proposed uses and minimal ground disturbance.

2. The project violates multiple resource protection requirements of the San Luis Obispo County CZLUO and no variances were applied for or approved to allow the violations.

Response: See Riparian Setback and Biological Resources Response under Coastal Staff Input Section.

3. Major elements of the project have not been submitted and an informed public decision as to whether the project conforms to the LCP is not possible.

Response: The applicant submitted all materials necessary for the winery project in order to allow a full and transparent CEQA evaluation. County staff, Planning Commission and Board of Supervisors all judged the information provided to be adequate for the required environmental review. The applicant will respond to any further questions posed by the Coastal Commission or its staff.

The proposed project is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the Coastal Zone Land Use Ordinance policies.

4. The CZLUO prohibits issuance of a CDP without a drainage plan and no drainage plan exists.

Response: CZLUO Section 23.05.042 identifies the circumstances under which a drainage plan is required:

23.05.042 - Drainage Plan Required:
No land use or construction permit (as applicable) shall be issued for a project where a drainage plan is required, unless a drainage plan is first approved pursuant to Section 23.05.046. Drainage plans shall be submitted with or be made part any land use, building or grading permit application for a project that:

a. Involves a land disturbance (grading, or removal of vegetation down to duff or bare soil, by any method) of more than 40,000 square feet; or

b. Will result in an impervious surface of more than 20,000 square feet; or

c. Is subject to local ponding due to soil conditions and lack of identified drainage channels; or

d. Is located in an area identified by the County Engineer as having a history of flooding or erosion that may be further aggravated by or have a harmful effect on the project; or

e. Is located within a Flood Hazard (FH) combining designation; or

f. Involves land disturbance or placement of structures within 50 feet of any watercourse shown on the most current USGS 7-1/2 minute quadrangle map; or

g. Involves hillside development on slopes steeper than 10 percent.

h. May, by altering existing drainage, cause an on-site erosion or inundation hazard, or change the off-site drainage pattern, including but not limited to any change in the direction, velocity, or volume of flow.

i. Involves development on a site adjacent to any coastal bluff.

None of the above conditions apply to the project.

5. Public Works Policy 1 and the CZLUO prohibit CDP approval without a determination that adequate water capacity is available and no determination exists because plans for the winery processing systems have not been submitted.

Response: See Water Use and Water Supply Responses under Coastal Staff Input Section.

6. Public Works Policy 1 and the CZLUO prohibit CDP approval without a determination that adequate sewage disposal capacity is available and no determination exists because no plan for a sewage treatment system has been submitted.

Response: See Hydrology/Water Quality Response under Coastal Staff Input Section.

7. The project is not designed to prevent significant degradation of riparian and creek habitats that protect endangered steelhead and red legged frogs.

Response: See Riparian Setback and Biological Resources Response under Coastal Staff Input Section.

8. The processing, bottling, public event and tasting room elements of the development should not be allowed until standards developed from in-stream flow studies are adopted and applied.

Response: See Riparian Setback, Biological Resources, Hydrology/Water Quality and Water Use Responses under Coastal Staff Input Section.

9. The development is not allowed because it violates the 100 foot riparian setback requirement and the "adjustment" does not apply.

Response: See Riparian Setback and Biological Resources Response under Coastal Staff Input Section.

10. The proposed winery and tasting room is not allowed on the property because it is 1.7 miles from Main Street; no variance was approved and the "waiver" violated the CZLUO.

Response: See Traffic Responses under Coastal Staff Input Section and Greenspace appeal.

11. The project is classic leap frog, growth inducing development and violates Coastal Act Section 30250 planning and management policy for new development.

Response: Section 30250 states:

Section 30250 Location; existing developed area

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.
(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

The project does not consist of residential, commercial or industrial development, nor is it hazardous. The area is currently developed with residential and agricultural uses. The three part-time employees proposed for the winery facility will not be growth inducing.

12. The project should be required to incorporate greenhouse gas reduction components to reduce global warming.

Response: The Global Warming Solutions Act (AB 32) was signed into law on September 27, 2006. The California Air Resources Board is currently in the process of creating rules and regulations to achieve the mandated emission reductions. Formal greenhouse gas limits and reduction measures will be adopted within the next few years.

Agriculture is a source of green house gas emissions in California. However, as an initial matter, agriculture is low on the list of economic sectors targeted for mandatory reporting of green house gas emissions.

On July 22, 2008, the San Luis Obispo Air Pollution Control District ("SLOAPCD") became the latest air district to impose a new permit program (and associated fees) on wineries permitted by the County to produce 10,000 cases or more of wine.

San Luis Obispo County is in the process of updating the Conservation and Open Space Element of its General Plan. As part of this process, the County is considering wineries' contributions to green house gas emissions and climate change. The process is ongoing, and no specific green house gas emissions requirements have yet been proposed.

The project applicants are aware of and concerned about green house gas emissions and will conserve energy when feasible. As a small winery with a maximum annual production of 10,000 cases, the project will have very limited impacts on air quality or climate, and very limited resources with which to implement sweeping emissions reduction programs.

13. The project fails to conform to the North Coast Area Plan because that plan is obsolete and a finding of conformity is impossible.

Response: All Coastal Development Permit applications in the County of San Luis Obispo are required to conform to General Plan elements (including area plans) in place at the time of approval. Prohibiting all development pending adoption of updated General Plan elements constitutes a moratorium.

14. The Conservation Element is obsolete and no longer functions as a valid planning tool.

Response: All Coastal Development Permit applications in the County of San Luis Obispo are required to conform to General Plan elements (including area plans) in place at the time of approval. Prohibiting all development pending adoption of updated General Plan elements constitutes a moratorium.

Conclusion

Through a collaborative effort with Coastal Commission staff, the project has been revised to consolidate all components of the project on the north side of Santa Rosa Creek Road in a distinct development envelope outside of all riparian setbacks (NSCP). This plan modification has resolved appeal issues raised by Commissioners, staff and neighbors.

We look forward to continuing this discussion as we move toward a summer hearing date.

May 1, 2009

Ms. Jamie Kirk
Kirk Consulting
8830 Morro Road
Atascadero, CA 93422

Subject: Stolo Family Winery - Process Wastewater Management

Dear Ms. Kirk,

An annual case production of 10,000 (or 154 tons of grapes) is estimated for the proposed winery. This is approximately equivalent to an average daily flow of 440 gallons of process wastewater or 640 gallons during a peak harvest day.

With this case production, we believe the winery will be eligible for a Small Winery Waiver from the Central Coast Regional Water Quality Control Board (RWQCB) under its Order No. R3-2008-0018. This order was adopted to protect waters of the State. Therefore, if the project complies with this order, it should not pose impacts to surface or ground water resources.

Given the proposed production level, the winery may dispose of its process wastewater by land application, with minimum threat to water quality, utilizing the following:

- Screened baskets will be installed on drains exiting the crushing, bottling and barrel cleaning areas of the winery to facilitate separation of solids from the process wastewater, thereby reducing the total suspended solids load on the process wastewater clarifier. The screen opening sizes will be 3/16 inch. Any exterior sources of process wastewater not under roof will be provided with storm-water diversion capabilities such that rainwater collected on these areas during non-use periods will not be discharged to the process wastewater system.

- After initial screening, the process wastewater collected from the wine processing area would be conveyed through piping, to a septic tank for storage.

- After storage, the process wastewater would be land applied for disposal, utilizing the following parameters:

  - Land application would be for process wastewater only.

  - Land application would contain no lees or bentonite.

  - Land application would not exceed an organic loading of 300 lbs of BOD per acre per day (peak) or 100 lbs of BOD per acre per day (average). Based on the estimated flow, this would require an area of less than 1 acre.

  - Land application will not occur within 24 hours of a rain event.

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- The area of surface discharge would not occur within a 100-ft radius of a domestic water well or within the 100-ft setback of the creek flow line.

Please call me at 805-544-4011 if you have any questions.

Sincerely,

WALLACE GROUP

Rob Miller, P.E.
Principal Engineer

Kirk Consulting

Letter of Transmittal

Date: May 7, 2008
To: Jonathan Bishop – California Coastal Commission
From: Rachel Kovesdi
RE: Stolo Winery Project: Appeal Number A-3-SLO-07-035: Collector Road

Jonathan:

Per you request, attached please find the following documents related to the collector status of Santa Rosa Creek Road:

- North Coast Area Plan Circulation Map (From CZLUO)
- Adelaida Area Plan Circulation Map
- 2007 County Road System Map (Sheet 1)
- 2007 County Road System Map (Sheet 1E4)

BACKGROUND

As you are aware, there is some divergence within County documents as to whether this section of Santa Rosa Creek Road is indeed a collector. It is shown in the Adelaida Area Plan, as well as on the CalTrans approved 2007 County Road Maps, as a collector road. However, it does not appear to be identified as a collector in the North Coast Area Plan.

The County Road Definitions of Collector and Local Roads are as follows (found in the San Luis Obispo County Coastal Zone Framework for Planning)

- ***Urban/Rural Collector Road:***
  A road that enables traffic to move to and from local roads, arterial roads and activity centers. Collectors are the principal arterial of residential areas and carry a relatively high volume of traffic. A collector also has the potential for sustaining minor retail establishments. Limits on residential driveway access should be based upon traffic volumes, parcel sizes and sight distances.
- ***Local Road***
  A road that is used primarily for access to adjacent property.

The applicant contends that for the following reasons, Santa Rosa Creek Road is indeed a collector road:

- Santa Rosa Creek Road is a Connection Between Highway 46 and Cambria
- Santa Rosa Creek Road "Collects" Traffic from Local Roads and Funnels it into Cambria
- Existing Limited Retail Uses
- Based on Its Function and Improvement Standard, Santa Rosa Creek Road Functions as a Collector Road

- Other Collector Roads in the Area are designed to a Lesser Standard (Klau Mine, Cypress Mountain, Old Creek, Upper Portion of SRCR, etc.)

However, given the internal inconsistency of County documents and maps, the Planning Commission and Board of Supervisors determined that the most conservative approach to evaluating the project would be to assume that Santa Rosa Creek Road is not a collector.

MODIFICATION TO SPECIAL USE STANDARD

Based upon the above assumption, the project requires a modification to the location standard as allowed by Section 23.08.012 which states:

b. Exceptions to special use standards. *The standards of this chapter may be waived or modified through Development Plan approval, except where otherwise provided by this chapter and except for standards relating to residential density or limitations on the duration of a use (unless specific provisions of this chapter allow their modification). Waiver or modification of standards shall be granted through Development Plan approval (Section 23.02.034) only where the Planning Commission first makes findings that:*
(1) *Set forth the necessity for modification or waiver of standards by identifying the specific conditions of the site and/or vicinity which make standard unnecessary or ineffective.*
(2) *Identify the specific standards of this chapter being waived or modified.*
(3) *The project, including the proposed modifications to the standards of this chapter, will satisfy all mandatory findings required for Development Plan approval by Section 23.02.034c(4) of this title.*

The location standard for agricultural processing uses (such as wineries) is found in Section 23.08.042.d.2.ii and states:

Access location. *The principal access driveway to a winery with public tours, tasting or retail sales is to be located on or within one mile of an arterial or collector.*

The intent of this location standard is to:

- Limit large amounts of traffic in rural, outlying areas
- Address concerns with larger tasting rooms and event traffic
- Excessive traffic on private and/or non-County maintained roads
- It is intentional to have the ability for the standard to be waived on a case by case basis

FINDINGS FOR MODIFICATION

The driveway location requirement found in CZLUO Section 23.08.042.d.2.ii is a Special Use Standard subject to the modification provisions of CZLUO Section 23.08.012.b. It should be noted that a waiver or modifications under this section of the CZLUO does not constitute a variance. The Dos Cruces Winery approval satisfies all three requirements for modification:

- Standard is "unnecessary or ineffective" (please see discussion below);
- The Special Use Standard to be waived or modified is identified;
- Project Satisfies All Mandatory Findings Required for the CUP.

The Planning Commission and Board of Supervisors made the required "Unnecessary or Ineffective" finding based upon the following:

The Special Use Standard requiring the principal access driveway to be located within one mile of a collector road is Unnecessary in this case because:

- The entire length of Santa Rosa Creek Road is identified as a Collector Road on the 2007 County Road System map.
- Santa Rosa Creek Road is identified as a Collector Road in the adjacent planning area. (Of the approximately 17 miles of Santa Rosa Creek Road, only 1.33 miles requires this modification.)
- Santa Rosa Creek Road is a through road (connecting Highway 1 and Highway 46).
- Santa Rosa Creek Road is a County maintained road.
- Santa Rosa Creek is improved better than many other collector roads in the County. (Please see attached photo exhibit.)
- The project includes minimal traffic associated with the tasting room. (Traffic analysis attached.)

Additionally, the Special Use Standard requiring the principal access driveway to be located within one mile of a collector road is Ineffective in this case because:

- Due to the inconsistency in County General Plan documents, only a small portion of Santa Rosa Creek Road requires a modification. (Of the approximately 17 miles of Santa Rosa Creek Road, only 1.33 miles requires this modification.) This modification request, a procedural technicality, is not based upon the functional qualities of any portion of Santa Rosa Creek Road.

Therefore, based upon the specific location of the project, the small amount of traffic generated by the project, the functional qualities of Santa Rosa Creek Road, and the fact that Santa Rosa Creek Road is identified in the adjacent Planning Area as a Collector Road, the access standard is Unnecessary and Ineffective.

- The San Luis Obispo County Public Works Department, Planning Department, and Planning Commission recommended approval of the modification based on limited traffic associated with the project and the condition of Santa Rosa Creek Road (2 Lane Stripe) to the site.
- The San Luis Obispo County Public Works Department concurs that Santa Rosa Creek Road meets the definition of a Collector Road.

The project traffic engineer, Steve Orosz, is approved by the County Environmental Coordinator and the Public Works Department to conduct traffic studies. Mr. Orosz has conducted numerous

studies for wineries in San Luis Obispo and Santa Barbara Counties. The data compiled in the traffic study and accepted by the San Luis Obispo County Public Works Department was collected on local winery related uses over the last 4-5 years. The Planning Commission made the following finding for project approval:

> *The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Santa Rosa Creek Road, a local road constructed to a level able to handle any additional traffic associated with the project.*

Again, please note that per CZLUO Section 23.08.012 no variance is required for this modification. The Planning Commission made this finding for the requested modification:

> *Modification of the principal access driveway location required by Coastal Zone Land Use Ordinance Section 23.08.042d2 to allow the principal access driveway to be located approximately 1.5 miles from an arterial road rather than 1 mile is justified because based on the results of the traffic study prepared for the project, the condition of the road is two-lane and striped from Main Street to the site, and the additional traffic that will result from the project will not result in a significant change to the existing road service or traffic safety levels.*

We hope that you find this additional explanation helpful. Please do not hesitate to contact me with any additional questions or concerns. Thank you for your thoughtful consideration.

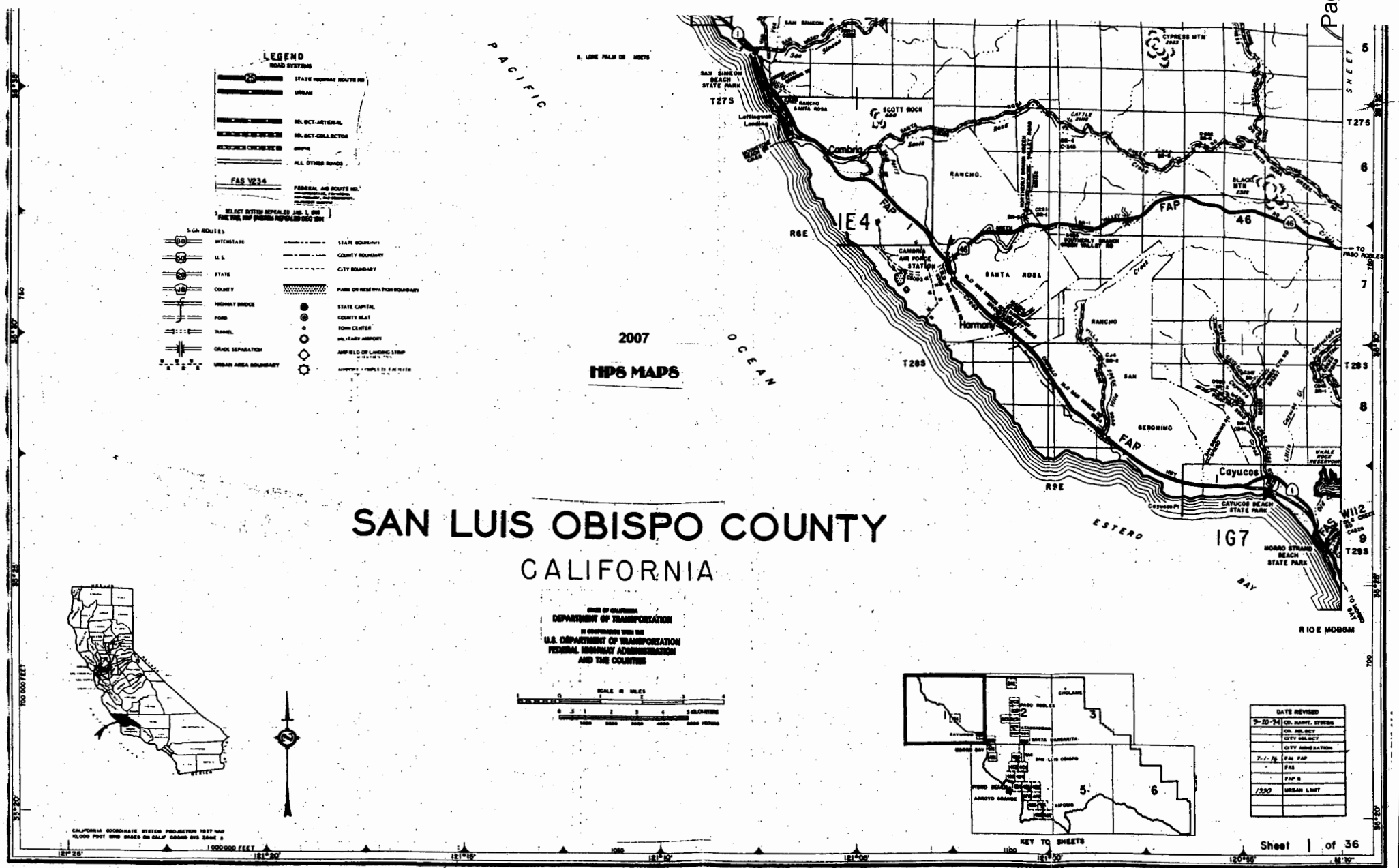
Regards,

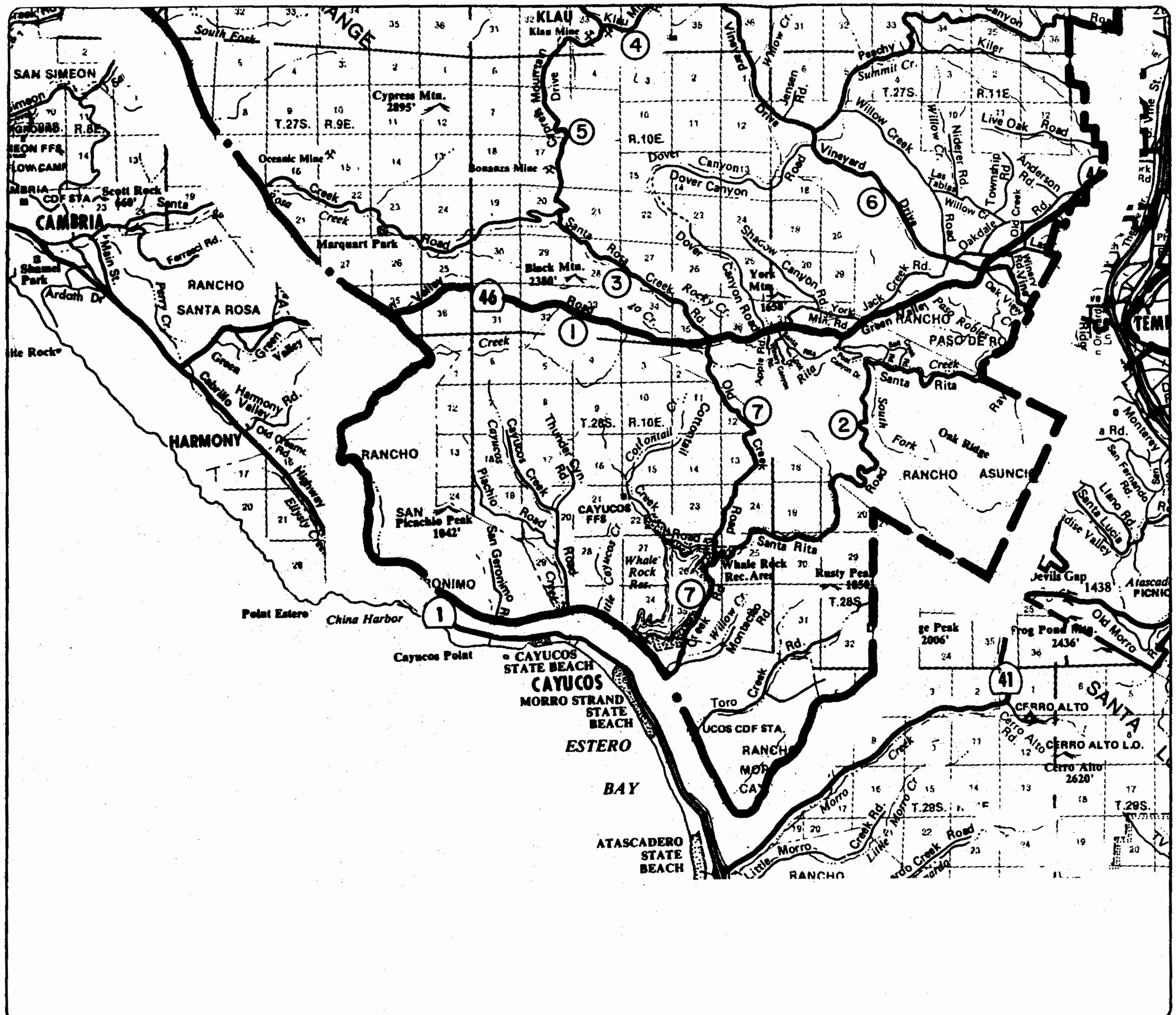
Rachel K. Kovesdi
Kirk Consulting

Attachments

8830 Morro Road, Atascadero, CA 93422
Phone: 805-461-5765 Fax: 805-462-9466
Rachel@kirk-consulting.net

PACIFIC
SAN SIMEON BEACH STATE PARK
RANCHO
SCOTT ROCK
SANTA
SHEET
SHEET
A
B
C
D
E
F
G
H
R8E
R9


LEGEND
ROAD SYSTEMS
STATE HIGHWAY ROUTE NO.
URBAN
SELECT-ARTERIAL
SELECT-COLLECTOR
ALL OTHER ROADS
FAS V234
FEDERAL AID ROUTE NO.
SELECT SYSTEM REPEALED JAN. 1, 1965
FAU, FAS, FAP SYSTEMS REPEALED DEC. 1974
S-GA ROUTES
INTERSTATE
U.S.
STATE
COUNTY
HIGHWAY BRIDGE
FORD
TUNNEL
GRADE SEPARATION
URBAN AREA BOUNDARY
STATE BOUNDARY
COUNTY BOUNDARY
CITY BOUNDARY
PARK OR RESERVATION BOUNDARY
STATE CAPITAL
COUNTY SEAT
TOWN CENTER
MILITARY AIRPORT
AIRFIELD OR LANDING STRIP
PACIFIC
OCEAN
2007
HPMS MAPS
SAN LUIS OBISPO COUNTY
CALIFORNIA
DEPARTMENT OF TRANSPORTATION
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
AND THE COUNTIES
SCALE IN MILES
SCALE IN KILOMETERS
CALIFORNIA COORDINATE SYSTEM PROJECTION 1927 NAD
10,000 FOOT GRID BASED ON CALIF COORD SYS ZONE 5
1000000 FEET
KEY TO SHEETS
DATE REVISED
9-20-74 CO. MAINT. SYSTEM
CO. SEL. SYS.
CITY SEL. SYS.
CITY ANNEXATION
7-1-76 FAU FAP
FAS
FAP S
1990 URBAN LIMIT
Sheet 1 of 36
ROAD SYSTEM
Revised 5-18-2006
SAN LUIS OBISPO COUNTY CALIFORNIA



LEGEND

CIRCULATION

EXISTING	PROPOSED	
	▬▬▬▬	PRINCIPAL ARTERIAL
▬▬▬	▬ ▬ ▬	ARTERIAL
———	— — —	COLLECTOR
-○-	-○-	INTERCHANGE

SCALE 0 — 2 MILES **NORTH** N

NOTE: This Map Represents Official Circulation Information.

ARTERIALS

1. HWY. 46

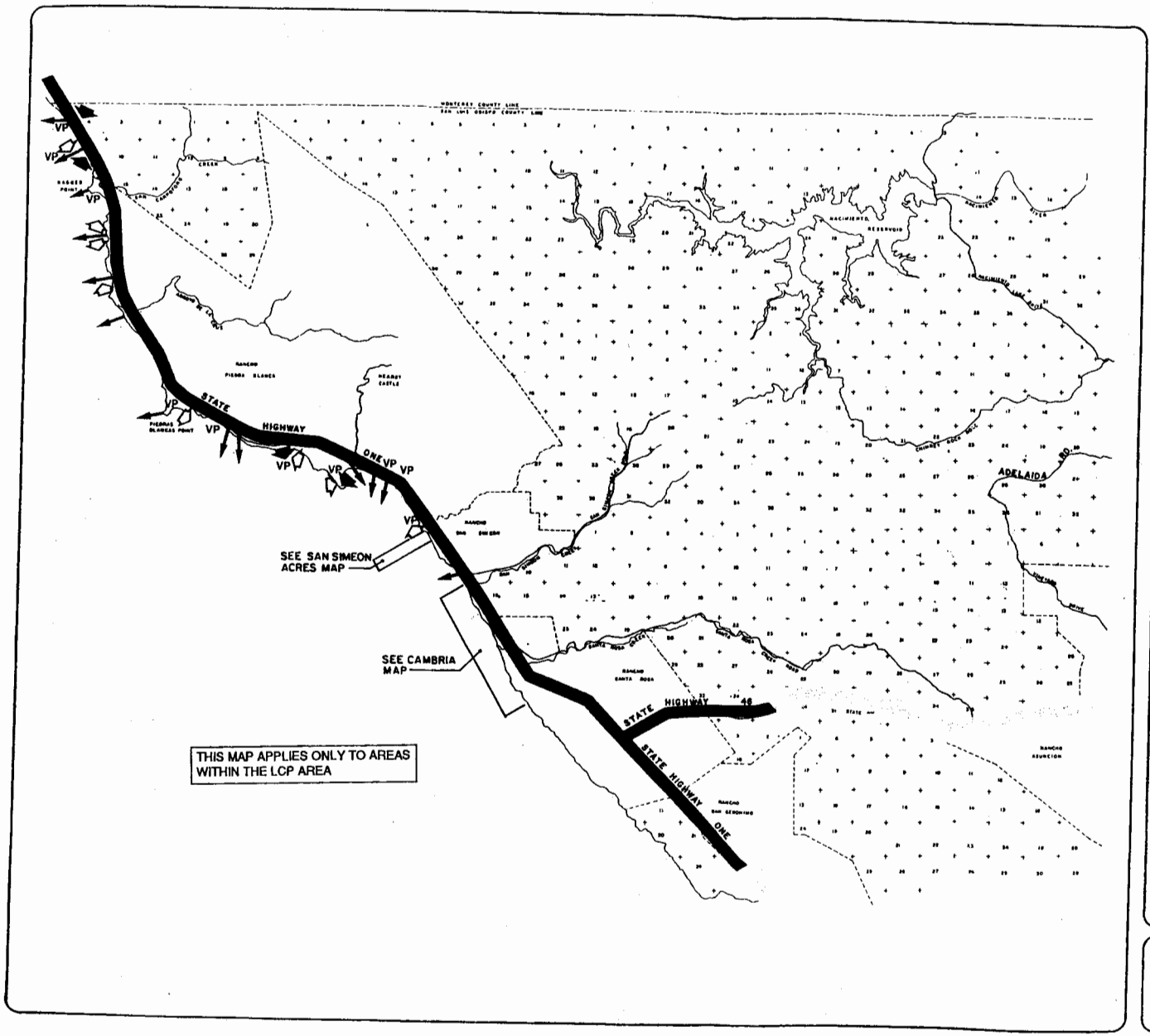
COLLECTORS

2. SANTA RITA
3. SANTA ROSA CREEK RD.
4. KLAU MINE RD.
5. CYPRESS MOUNTAIN DR.
6. VINEYARD DR.
7. OLD CREEK RD.

ADELAIDA - South 1/2

CIRCULATION

San Luis Obispo County Planning Department
Revised: 9-13-90



LEGEND

CIRCULATION

EXISTING	PROPOSED	
═══	═ ═ ═	PRINCIPAL ARTERIAL
▬▬▬	▬ ▬ ▬	ARTERIAL
───	─ ─ ─	COLLECTOR
○	○	INTERCHANGE

SCALE

0 17,000'

NORTH

N

NOTE:
This map is for reference purposes only. Official maps, showing precise property lines and land use category boundaries, are on file in the Planning Department.

COASTAL ACCESS

EXISTING

- VERTICAL ACCESS
- SHORELINE LATERAL ACCESS
- BLUFFTOP LATERAL ACCESS
- VP — VISTA POINT

PROPOSED

- VERTICAL ACCESS
- SHORELINE LATERAL ACCESS
- BLUFFTOP LATERAL ACCESS
- [VP] — VISTA POINT

NOTE:
Arrows are for planning purposes only and do not mean that legal or physical access exists.

NORTH COAST

CIRCULATION

San Luis Obispo County Planning Department
Revised: 1-4-88

Kirk Consulting

November 1, 2007

VIA REGULAR MAIL

Jonathan Bishop
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, California 95060

Re: Stolo Winery Project: Appeal Number A-3-SLO-07-035

Dear Jonathan:

I am writing on behalf of this firm's clients, Don and Charlene Stolo, who desire to operate an artisan winery ("Project") on their 53 acre farm ("Property"). The purpose of this letter is to respond to issues identified during our August 30, 2007 site visit. These issues relate to the Project's consistency with the San Luis Obispo Local Coastal Program ("LCP") and specifically included the following:

- Whether the Project is within one mile of a "collector" road as required by the LCP?
- Whether the existing Barn can be used for agricultural processing and agricultural accessory uses, specifically wine production and wine tasting?
- Whether a seventy foot riparian setback for the relocated barn is consistent with the LCP?
- Whether the Project will be served by a legal source of water?
- Whether the Project will impact water resources?
- Whether the Project adequately addresses potential wastewater impacts?
- Whether the LCP requires recordation of an agricultural easement as a condition of Project approval?
- Whether the Project enhances the agricultural use of the Property?

Responses to these issues are provided below. Following your review of this letter, the Stolo's are available to meet with you, Dan Carl, and Charles Lester to further discuss the Project's consistency with the LCP.

Santa Rosa Creek Road is a "Collector" Road

San Luis Obispo County's Coastal Zone Land Use Ordinance ("CZLUO") section 23.08.042(d)(2)(ii) requires "[t]he principal access driveway to a winery with public tours, tasting or retail sales to be located on or within one mile of an arterial or collector". The Project is fully compliant with CZLUO section 23.08.042(d)(2)(ii) as the Project's driveway abuts Santa Rosa Creek

8830 Morro Road
ATASCADERO, CALIFORNIA 93422

Road, a designated "collector" road. Enclosed with this letter as Exhibit "A" is a portion of the County of San Luis Obispo's Regional Transportation Plan which designates the entire length of Santa Rosa Creek Road as a "collector" road.

As an aside, Project opponents expressed concerns regarding the Project's traffic impacts to Santa Rosa Creek Road and the location of Coast Union High School .9 miles from the Property. The Negative Declaration adopted by the County of San Luis Obispo ("County") concluded that the Project's impact to existing levels of service on Santa Rosa Creek Road will be insignificant. The County's determination was based on the November 2004 Traffic Summary and May 2007 Response to Comments prepared by Orosz Engineering Group. For reference, a copy of the Traffic Summary and the Response to Comments are enclosed with this letter as Exhibit "B".

The concern that the Project poses a risk to Coast Union High School students, assumes that a tasting room for an artisan winery will increase the number of inebriated drivers on the road. This assumption is not merited because a wine tasting room (as opposed to the numerous bars and restaurants a half mile from the high school) only offers limited servings of wine under the discreet supervision of the wine server. Moreover, the vast majority of visitors to the Stolo's artisan winery will visit on weekends (85% according to the Orosz Engineering Group's May 2007 Response to Comments), with peak visitation during the summer months.

The Existing Barn Can be Used for Wine Production and Tasting

CZLUO section 23.09.12(b)(1) defines a nonconforming building as, "[a] building or structure that was established or is conducted in a manner which does not conform with standards or permit requirements of this title relating to setback requirements, height limitations or sign requirements". The existing barn constitutes a nonconforming building because current LCP policies generally require structures in rural areas to be setback 100 feet from riparian areas.

Despite the nonconforming status of the existing barn, the LCP permits the continued use and maintenance of the barn. CZLUO section 23.09.030 provides, in relevant part:

> Any nonconforming building, structure or site development as defined by Section 23.09.012b may continue to be used as provided by this section (and Section 23.09.032 in the case of nonconforming signs) where the structure was established and has been maintained in a lawful manner and condition.

The LCP permits the existing barn (currently used for storage of agricultural equipment, supplies, and produce) to also be used for wine storage and tasting pursuant to CZLUO section 23.09.030(c). Wine storage is a continuation of the current Agricultural Accessory use of the existing barn.

Use of a portion of the barn for a tasting room is characterized as an Agricultural Processing use pursuant to CZLUO section 23.08.042(d)(2) which considers tasting rooms an integral part of a winery. Agricultural Processing is identified as an "S" use in Table O of the adopted San Luis Obispo County Framework for Planning document. The LCP expressly permits substitution of permitted uses within a legal nonconforming structure. CZLUO section 23.09.030(c) provides:

> A use of land on a site with a nonconforming building or structure or nonconforming site development may be replaced with another use only as follows:
>
> (1) Substitution shall occur only when the new use is identified as an allowable use (an "A", "S" or "PP" use) by Coastal Table O, Part I of the Land Use Element; and
>
> (2) The new use is established pursuant to the permit requirements and all other applicable provisions of this title, except:
>
> (I) Modifications or alterations to the building may occur as provided by Section 23.09.030(a); and
>
> (II) Where the building or site does not conform with the parking standards of Section 23.04.160 et seq. (Parking), substitution shall satisfy the provisions of Section 23.09.036 (Nonconforming Parking) instead of Section 23.04.160 et seq.

While the Stolo's retain the right to use the existing barn for wine storage and tasting, LynnDee Althouse, of Althouse and Meade, Inc., advised the Stolo's that relocation of the barn further from the northern drainage channel and abandonment of the existing road behind the barn which parallels the bank of the drainage channel would enhance the channel's riparian resources. Given a choice, the Stolo's strongly prefer to implement Ms. Althouse's recommendations as part of their Project.

The Barn can be Relocated with a Seventy Foot Riparian Setback

To take advantage of Ms. Althouse's recommendations, the proposed location of the new barn is setback more than 100 feet from the Santa Rosa Creek tributary across the road and a minimum of 70 feet from northern drainage channel. It is important to note that the proposed orientation of the barn only allows one corner of the barn to be 70 feet from the drainage channel. As one moves away from this corner of the barn, the drainage channel setback quickly increases to over 100 feet. The proposed barn location and orientation also maintains the integrity of the 1.5 acre field of prime soils next to the existing barn, limits any loss of prime soils, sites development in an

area that has been historically disturbed, and at the request of neighbors preserves open space views from Santa Rosa Creek Road.

CZLUO section 23.07.174(d)(2) allows reductions from the standard 100 foot riparian setback where:

(I) Alternative locations and routes are infeasible or more environmentally damaging; and

(II) Adverse environmental effects are mitigated to the maximum extent feasible; and

(III) The adjustment is necessary to allow a principal permitted use of the property and redesign of the proposed development would not allow the use with the standard setbacks; and

(IV) The adjustment is the minimum that would allow for the establishment of a principal permitted use.

With regards to exception criteria I and IV, the County and the Stolo's concluded, after careful examination and exploring every option, that alternative locations which complied with the standard 100 foot setback from both the Santa Rosa Creek tributary and the northern drainage channel are infeasible and more environmentally damaging. Enclosed as Exhibit "C" is a site plan which delineates the portion of the prime agricultural field which is 100 feet from both riparian areas. Development of a new barn in this area would result in greater loss of prime soil compared to the proposed barn location on the periphery of the field and clustered adjacent to existing disturbed areas. The greater soil loss would result from road and utility extensions and grading a perimeter road around the new barn. Location of a new barn in the middle of the prime agricultural field would also impact the efficient use of this field.

In addition to the loss of prime soils, locating a new barn in the middle of the open field will detract from the Property's open character. At this location, the barn would become the primary visible feature of the Property rather than the existing field. The Project's proposed barn location seeks to keep the Property's structures secondary to the farm's open fields. The Stolo's immediate neighbors expressed a concern that the Project minimize the exposure of new structures to Santa Rosa Creek Road in order to preserve the Property's open space qualities.

With regards to exception criteria II, the report prepared by Ms. Althouse concludes the 70 foot drainage channel setback combined with abandonment of the road behind the barn which adjoins the drainage channel fully mitigates any riparian impacts associated with the barn. Ms. Althouse's determination is also supported by the opinion of Michael Hill, Associate Fishery Biologist for the California Department of Fish and Game. Attached hereto as Exhibit "D" is an

email message from Mr. Hill confirming that the 70 foot setback is sufficient to protect the drainage channel and any riparian/aquatic species therein. Thus, a larger setback will impact prime agricultural soils without providing any greater benefit to the drainage channel.

With regards to exception criteria III, the use of the existing barn for wine storage (Agricultural Accessory Use) constitutes a principal permitted use according to Coastal Table O (attached hereto as Exhibit "E") while wine tasting (Agricultural Processing Use) is designated a permitted S-3 use.

The Project Is Served By A Legal Source of Water

The Project's source of water will be the existing well which already serves the Property's domestic and agricultural uses. The location of this well is described on the site plan attached as Exhibit "F".

The classification of the Stolo's right to use water from the well is dependent on the legal characterization of the water source as either surface water or percolating groundwater. Each type of water source is governed by unique water rights. Water from a well can be characterized as surface water if the source is in fact a subterranean stream flowing within a known and definite underground channel. However, "[a]bsent evidence to the contrary, groundwater is presumed to be percolating groundwater, not a subterranean stream." See Los Angeles v. Pomeroy (1899) 124 Cal. 597, 628 and State Water Resources Control Board Decision 1639: In re matter of Application 29664 of Garrapata Water Company (1999) at page 3.

Water from the Stolo's well is legally presumed to be percolating groundwater. Absent evidence to the contrary, the Stolo's benefit from an overlying water right based on the location of the Property and the use of the water within the groundwater basin. The overlying water right is the paramount right to percolating groundwater and is senior to the rights of all groundwater appropriators. The overlying water right is not subject to seniority (a.k.a. first in time, first in right) limitations associated with appropriative rights. The quantity of water permitted under an overlying water right is correlative. In other words, there is no quantitative limitation so long as the Stolo's use of water is reasonable and not wasteful and the needs of other overlying water users are also satisfied. In times of shortage, the Stolo's would be permitted a proportional share of water in relation to the needs of overlying water users.

In the event water from the well is actually surface water from a subterranean stream, the Stolos' water right is characterized as a riparian water right because the Property overlies the subterranean stream and use is confined to the Santa Rosa Creek watershed. The riparian water right is the paramount right to surface water and is senior to the rights of all surface water appropriators. Like the overlying water right, riparian rights are not subject to seniority limitations and the quantity of water permitted under a riparian right is also correlative.

The Project Reduces Existing Water Demand

Based on a four hour pump test, the well is rated for a sustained yield of 250 gallons per minute or 403 acre feet per annum ("AFA"). According to Alfred Fiscalini, who was born on Santa Rosa Creek Ranch over 70 years ago and once owned the Stolo's property, the current well site goes back to the 1920s.

The anticipated cumulative water demand resulting from the completed project is 42.6 AFA or about 11% of the well's potential supply. **Relative to the Property's prior water demand (based principally on row crop irrigation), the Project will result in a net water savings of 47.5 AFA. This is a 47% reduction in existing water demand.** The analysis supporting these conclusions are provided in the table below. Enclosed as Exhibit "G" is a letter from the Wallace Group quantifying water demand rates for wine production, domestic, vineyard, and row crop uses.

Comparison of Existing and Proposed Water Demand

Water Use	Demand Coefficiant (AFA/Annum)	Acres in Use (Existing/Proposed)	Existing Demand (AFA)	Proposed Demand (AFA)
Residential	1.0	N/A	1.0	1.0
Avocado Trees	2.0	1.2/1.2	2.4	2.4
Row Crops	2.0	40/0	80.0	0
Vines	0.8	8.4/38.7	6.7	38.7
Wine Processing	.25 AFA per 5,000 cases	0 cases / 10,000 cases	0.0	0.5*
Total Water Demand			**90.1**	**42.6**

* **Most of this water will be recycled for non-potable uses such as irrigation and dust control.**

Wastewater will not Impact Area Resources

While the winery is producing only 5,000 cases annually, wastewater will be treated via prescreening, settling, and land re-application, in compliance with the Central Coast Regional Water Quality Control Board's General Waste Discharge Requirements for Discharges of Winery Waste (Order No. R3-2002-0084). A copy of these discharge requirements is attached hereto as Exhibit "H". This system will include the following protections:

- Screened baskets will be installed on drains exiting the crushing, bottling, and barrel cleaning areas of the winery to separate solids from the process wastewater, thereby reducing the total suspended solid load on the process wastewater clarifier. Solids collected from the screened baskets will be returned to the vineyard.
- After initial screening, the process wastewater collected from the wine processing area will be conveyed through piping to a septic tank for settling and storage.
- After storage, the process wastewater will be re-applied to the land to offset non-potable uses such as irrigation and dust control.
- Only treated process wastewater would be re-applied to the land.
- Treated process wastewater would be clear of lees and bentonite and would not exceed an organic loading of 300 lbs of biochemical oxygen demand (BOD) per acre per day (peak) or 100 lbs of BOD per acre per day (30 day average).
- Land re-application would not occur within 24 hours of a rain event and would not occur within 100 feet of a domestic water well or within the 100 foot setback of any creek flow line.

At maximum capacity, the Project will produce 10,000 cases per year and require an active system for wastewater treatment. Specifically, biological treatment would occur in a subsurface constructed wetland. The process wastewater remains below the surface to minimize odor and mosquito concerns. The entire constructed wetland bed would be graded to provide storm water separation such that the only rainfall contribution will be that which falls directly in the catchment area of the constructed wetland. The beds would be planted with hydrophytic plans which provide the root system for attachment of microorganisms that provide the wastewater treatment. Disposal would be through land re-application. Any solids collected from the screen will be returned to the vineyard. Current designs allows a system to be placed on a site as small as .3 acres. This system design has been approved by the Central Coast Regional Water Quality Control Board and would be specifically permitted for the Stolo's winery. Note, future designs may allow smaller systems to meet the Project's treatment requirements. With the approval of the Central Coast Regional Water Quality Control Board, the Stolo's are receptive to implementing a smaller system.

Approval of the Project Does not Require an Agricultural Easement

CZLUO section 23.04.050(b)(7) requires the recordation of an Agricultural and Open Space easement as a condition of approval for non-agricultural uses on lands zoned for agriculture. This easement requirement does not apply to the addition of new agricultural uses. During our site visit there was discussion whether an office serving the winery is an accessory agricultural use or a non-agricultural use.

The smooth operation of the winery, including compliance with federal excise taxes and labeling requirements, is dependent on administrative facilities. The proposed 800 square foot office would be used to coordinate grape and wine production, manage employees, oversee the retail operation, and ensure compliance with governmental regulations including those regulations particular to wine production, labeling, and storage.

An office is as integral a component of a winery as public tours and tasting rooms. Winery uses are expressly defined as an Agricultural Processing use pursuant to CZLUO section 23.08.042(d)(2). CZLUO section 23.08.042(d)(2) recognizes that winery operations can include public tours (not a part of the Project), tasting, and retail sales as components of a winery use. Likewise, an office dedicated to providing administrative support to a winery is merely a part of the permitted winery use.

Even if the proposed office is viewed independent from the operation of the winery, an agricultural office nonetheless qualifies as an Agricultural Accessory Structure. Pursuant to CZLUO 23.08.041(a) agricultural accessory structures include everything from common agricultural barns to less common agricultural shops. An office serving the needs of a farm would clearly fall in the middle of this spectrum of Agricultural Accessory Structures. Production agriculture operations in San Luis Obispo County routinely include office facilities to keep records and ag-production paperwork in order.

Please note, the Property is encumbered with a Williamson Act contract which already restricts the Property to agriculturally related uses. A copy of the Stolo's Williamson Act contract is enclosed as Exhibit "I". The Williamson Act contract is enforced by both the County and the California Resources Agency's Department of Conservation. While the Williamson Act contract is not an in perpetuity development restriction, the Stolo's would have to give 10 years prior notice before they could terminate the Williamson Act contract. The Stolo's have no intention to terminate their Williamson Act contract.

The Project Supports the Agricultural Use of the Property

Policy 6 of San Luis Obispo County's Agriculture and Open Space Element recognizes "the increasing need of farmers and ranchers to diversify their on-site activities from production through the marketing of their agricultural products" and that the opportunity for on-site promotion and marketing of local agricultural products also enhances local tourism. Wineries with tasting rooms are specifically mentioned as uses which support Policy 6. For reference, I have attached a copy of Policy 6 as Exhibit "J".

Because of the recent consolidation of retail wine distribution channels, tasting rooms have become essential to sustaining artisan wineries. Limited distribution channels and the clout of the ten largest wine producers has left little shelf space for artisan wines.

A tasting room provides the artisan winery an opportunity to foster relationships with visitors which go beyond shelf space and labeling. The tasting room experience allows the visitor to attach the winery's vision and history to the flavor of wine produced onsite. These visitor experiences are crucial to developing repeat sales, wine club memberships, and word of mouth branding.

Onsite sales offer the artisan winery the chance to capture the 50% retail markup which is usually lost to national retailers and distributors. With regards to the vintner, the tasting room offers a chance to personally share the fruits of their endeavor with the public.

Importantly, artisan winery tasting rooms are probably one of the last opportunities for lay adults to experience and value the small farm. As such, the Stolo's proposed winery is a unique and inexpensive coastal access opportunity.

Conclusion

After you have had a chance to review this letter and the attached documents, please contact me so we can continue our discussion of the Coastal Commission's concerns regarding the Stolo's proposed winery.

Kind Regards,

Jamie Kirk

Jamie L. Kirk

Attachments
cc: Client; Aengus Jeffers; and Rachel Kovesdi

LAURENCE P. HORAN
FRANCIS P. LLOYD
ANTHONY T. KARACHALE
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GARY D. SCHWARTZ
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October 21, 2009

OUR FILE NO. 5805.01

VIA REGULAR MAIL

Jonathan Bishop
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, California 95060

Re: Stolo Winery Project: Appeal Number A-3-SLO-07-035

Dear Jonathan:

I am writing on behalf of this law firm's client, Don and Charlene Stolo. The purpose of this letter is to respond to the draft conditions you forwarded on September 11, 2009 ("Draft Conditions") detailing the conditions Coastal Staff requires in order to support a winery only project for the Stolos which does not include a tasting room. The Draft Conditions were provided in response to our meeting on April 1, 2009 to explore Coastal Staff's support for a winery only project.

Enclosed with this letter is a redline copy of the Draft Conditions highlighting proposed changes. The substantive changes are generally described below:

(1) Where appropriate references to "development" have been clarified to reflect only the "new development" permitted under the subject Coastal Development Permit.

(2) Standard Condition 2 has been modified to reflect the Stolo's intent to stage completion of this project in two separate phases. Phase I focuses on the winery building, covered crush pad and associated parking. Phase II will focus on the barn which will serve winery operations and associated parking and access improvements.

(3) Special Condition 1.c has been modified to enlarge the criteria for selecting appropriate landscaping for the project's proposed landscaped areas by incorporating verbatim language from CZLUO section 23.04.180.

(4) Special Condition 1.c has also been modified to require partial screening to soften the appearance of new development as seen from Santa Rosa Creek Road. Given the property's open fields and its location adjacent to Santa Rosa Creek Road, full vegetative screening will be difficult to achieve and would detract from the existing open character of this stretch of Santa Rosa Creek Road by adding a stretch of tall, dense vegetation.

(5) Special Condition 4.c has been modified to allow for consideration of future wastewater disposal and reuse systems which are more efficient and environmentally superior.

(6) Special Condition 8 prohibits wine tasting, public tours, retail sales, and special events on the subject property. After much consideration, the Stolos have determined that this restriction is not acceptable because providing on-site wine tasting has become more integral than ever to the economic feasibility of the proposed artisan winery and the Stolo's feel that Coastal Staff has not yet addressed why Santa Rosa Creek Road is not a Collector Road (despite County Public Works maps which indicate otherwise) and assuming that Santa Rosa Creek Road is not a Collector Road why the modification standards provided in the LCP would not justify a modification of the 1 mile collector road standard.

The Stolos remain committed to an improved and entirely LCP compliant project which consolidates all new structures onto the developed portion of the property on the north side of Santa Rosa Creek Road; which adheres to 100 foot setbacks from all water courses; and which continues to offer restoration of the flora adjacent to the northerly drainage channel.

If Coastal Staff feels there is no advantage to further discussion with regards to whether a winery and tasting room project complies with either the 1 mile collector road standard or a modification of this standard consistent with LCP Section 23.02.034.c.4, then we request that this appeal be scheduled for a combined Substantial Issue and De Novo Hearing at the next available Coastal Commission meeting.

We submitted a detailed response to the outstanding Collector Road issue on June 14, 2008. We received no response to this assessment until March 16, 2009 (nine months later). This response did not explain why Santa Rosa Creek Road is not a Collector Road nor did it address why the LCP modification standards would not be applicable, assuming Santa Rosa Creek Road is not a Collector. There was a similar delay of almost six months obtaining a confirmation that Coastal Staff could support a winery only project because it would avoid disagreement regarding the Collector Road issue. These delays have resulted in a financial hardship for the Stolos. Going forward the Stolos request that Coastal Staff explain why Santa Rosa Creek is not a Collector and why the LCP modification standards would not be applicable assuming Santa Rosa Creek Road is not a Collector and please get us to hearing in December, in order to limit the continuing financial damages to the Stolo family.

Kind Regards,

Aengus L. Jeffers

ALJ:ec
Enclosures
cc: Client

Jamie Kirk
Rachel Kovesdi

7. Coastal Development Permit Conditions of Approval

A. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date. The following Phasing Plan shall apply:

Phase I:

- Construction of the Phase I Winery building, covered crush pad and associated parking, as shown on the Coastal Development Permit Site Plan – Sheet DP1 by MW Architects, Inc, and received October XX, 2009 in the Commission's Central Coast District Office.

- Production is limited to 5,000 cases annually.

Phase II

- Construction of the Phase II Barn and associated parking and access improvements, as shown on the Coastal Development Permit Site Plan – Sheet DP1 by MW Architects, Inc, and received October XX, 2009 in the Commission's Central Coast District Office.

- Production is limited to 10,000 cases annually.

3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

B. Special Conditions

1. **Final Project Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the

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Permittee shall submit two copies of Final Project Plans to the Executive Director for review and approval. The Final Project Plans shall be substantially in conformance with the plans submitted to the Coastal Commission (titled *Coastal Development Permit Site Plan Sheet DP1*, by MW Architects, Inc, and received October XX, 2009 in the Commission's Central Coast District Office) except that they shall be revised and supplemented to comply with the following requirements:

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(a) **Approved Development Envelope.** All new development (including but not limited to barn, driveways, parking areas, drainage systems, processing facilities, storage tanks, and septic systems) shall be located on the north side of Santa Rosa Creek Road within the development envelope and in the general configuration shown on Exhibit F (*Coastal Development Permit Site Plan Sheet DP1*, by MW Architects, Inc). New development shall be prohibited outside of the approved development envelope except for habitat restoration related development (see special condition 2 below), approved landscaping, and road/parking access as shown on Exhibit F.

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(b) **Building and Structure Design.** The design and appearance of new development shall reflect a rural agricultural theme (i.e., simple and utilitarian lines and materials, including use of board and bats, corrugated metal, etc.). The plans shall clearly identify all measures that will be applied to ensure such design aesthetic is achieved, including with respect to all structures and all other project elements within view of Santa Rosa Creek Road (e.g., walkways, paved areas, railings, benches, tables, chairs, lighting, signs, landscaping, etc.). To the maximum extent feasible, new storage tanks shall be located so as not to be visible from Santa Rosa Creek Road. At a minimum, the plans shall clearly identify all structural elements, materials, and finishes (including through site plans and elevations, materials palettes and representative photos, product brochures, etc.).

(c) **Landscape Plans.** Final Plans shall include landscape and irrigation parameters that shall identify all plant materials (size, species, quantity), all irrigation systems, and all proposed maintenance. All plant materials shall be native and non-invasive species selected to be complimentary with the mix of native habitats in the project vicinity, prevent the spread of exotic invasive plant species, and avoid contamination of the local native plant community gene pool. The proposed landscape shall provide areas which can absorb rainfall to assist in reducing storm water runoff; control erosion; preserve natural resources; promote, preserve and enhance native plant species; reduce glare and noise; enhance the appearance of structures and property; and to provide visual privacy, while recognizing the need to use water resources as efficiently as possible. The landscape plans shall also be designed to protect and enhance native plant communities on and adjacent to the site, including required restoration and enhancement areas, and to provide a transitional buffer between native habitat areas and authorized development. Landscaping (at maturity) shall also be capable of partially screening and softening the appearance of new development as seen from Santa Rosa Creek Road. All landscaped areas on the project site shall be continuously maintained by the Permittee; all plant material shall be continuously maintained in a litter-free, weed-free, and healthy growing condition. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be so identified from time to time by the State of California, and no plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be planted or allowed to naturalize or persist in the approved development envelope area.

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(d) **Parking.** Parking shall be limited to ten spaces on the north side of Santa Rosa Creek Road.

The Permittee shall undertake development in accordance with the approved Final Project Plans.

2. **Landscape Restoration and Enhancement Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two copies of a Landscape Restoration and Enhancement Plan (LREP) to the Executive Director for review and approval.

   The LREP shall provide for riparian corridor landscape restoration and enhancement for the tributary extending along the north side of the project area to Santa Rosa Creek Road and its the 100-foot buffer area (see Exhibit F), with riparian restoration and enhancement along the immediate stream channel area (i.e., roughly 10 feet in width) and transitional landscaping (riparian and related species transitioning to landscaping adjacent to new development areas) extending to the 100-foot buffer edge. The goal of the LREP shall be enhancing and restoring the immediate stream channel area to a self-sustaining natural habitat state buffered by the transitional plantings. The LREP shall be prepared by a qualified restoration ecologist, and shall take into account the specific condition of the site (including soil, exposure, water flows, temperature, moisture, wind, etc.), as well as restoration and enhancement goals. At a minimum, the plan shall provide for the following:

   (a) A baseline assessment, including photographs, of the current physical and ecological condition of the restoration and enhancement area.

   (b) A description of the goals and measurable success criteria of the plan, including, at a minimum, the requirement that success be determined after a period of at least three years wherein the site has been subject to no remediation or maintenance activities other than weeding, and that this condition be maintained in perpetuity.

   (c) Removal of invasive and non-native plant species within the channel area and new development envelope.

   (d) Planting of native species of local stock appropriate to the riparian corridor in this area. Non-native and/or invasive plant species shall be prohibited. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be so identified from time to time by the State of California, and no plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be planted or allowed to naturalize or persist in the restoration and enhancement area.

   (e) Monitoring and maintenance provisions including a schedule of the proposed monitoring and maintenance activities to ensure that success criteria are achieved.

   (f) Provision for submission of annual reports of monitoring results to the Executive Director, beginning the first year after completion of the restoration effort and concluding once success criteria have been achieved. Each report shall document the condition of the site area with photographs taken from the same fixed points in the same directions, shall describe the progress towards reaching the success criteria of the plan, and shall make recommendations, if any, on changes necessary to achieve success.

   The Permittee shall undertake all new development in accordance with the approved Landscape Restoration and Enhancement Plan.

   The Landscape Restoration and Enhancement Plan shall be implemented during construction as

directed by a qualified restoration ecologist, and initial planting and non-native/invasive plant removal shall be completed prior to operation of the winery facility.

3. **Final Drainage, Erosion, and Sedimentation Control Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two copies of Final Drainage, Erosion, and Sedimentation Control Plans to the Executive Director for review and approval. The Final Plans shall include the following:

   (a) **Implementation of Best Management Practices During Construction.** The Drainage, Erosion and Sedimentation Control Plans shall identify the type and location of the measures that will be implemented during construction to prevent erosion, sedimentation, and the discharge of pollutants during construction. These measures shall be selected and designed in accordance with the California Storm Water Best Management Practices Handbook and the criteria established by the San Luis Obispo County Resource Conservation District. Among these measures, the plans shall limit the extent of land disturbance to the minimum amount necessary to construct the project; designate areas for the staging of construction equipment and materials, including receptacles and temporary stockpiles of graded materials, which shall be covered on a daily basis; provide for the installation of silt fences, temporary detention basins, and/or other controls to intercept, filter, and remove sediments contained in the runoff from construction, staging, and storage/stockpile areas; and provide for the hydro seeding (with native plants) of disturbed areas immediately upon conclusion of construction activities in that area. The plans shall also incorporate good construction housekeeping measures, including the use of dry cleanup measures whenever possible; collecting and filtering cleanup water when dry cleanup methods are not feasible; cleaning and refueling construction equipment at designated off site maintenance areas; and the immediate clean-up of any leaks or spills.

   The plans shall indicate that PRIOR TO THE COMMENCEMENT OF GRADING, the Permittee shall delineate that the approved construction areas with fencing and markers to prevent land-disturbing activities from taking place outside of these areas.

   (b) **Permanent Drainage and Erosion Control Plan.** The plans shall include a permanent drainage and erosion control plan that shall clearly identify all permanent measures to be taken to control and direct all site runoff, and that shall clearly identify a drainage system designed to collect all on-site drainage (in gutters, pipes, drainage ditches, swales, etc.) for use in on-site irrigation, infiltration, and/or habitat enhancement, and/or to be directed to off-site storm drain systems. The plan shall be prepared by a licensed engineer with experience in low impact development (LID) techniques and water quality protection systems, and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater and other runoff associated with the property. The plan shall include all supporting calculations and documentation for all BMPs clearly demonstrating compliance with this condition. Such drainage and erosion control plan shall at a minimum provide for:

      1. All drainage system components shall be integrated with the Landscape Restoration and Enhancement Plan (see special condition 2). Filtered and treated drainage shall be directed to the restoration and enhancement area to the maximum extent feasible unless it would lead to habitat degradation and provided it is discharged in a non-erosive manner.

      2. The drainage system shall be designed to filter and treat (i.e., to remove typical urban runoff

pollutants) the volume of runoff produced from irrigation and from each and every storm and/or precipitation event up to and including the 85th percentile 24-hour runoff event for volume-based BMPs and/or the 85th percentile, 1-hour runoff event (with an appropriate safety factor) for flow-based BMPs, prior to its use for on-site infiltration, landscape irrigation, habitat enhancement, and/or discharge offsite. All filtering and treating mechanisms shall be clearly identified, and supporting technical information (e.g., brochures, technical specifications, etc.) shall be provided.

3. Runoff from the roofs, driveways, parking areas, and other impervious surfaces shall be collected and directed into pervious areas on the site for infiltration to the maximum extent practicable in a non-erosive manner, prior to being conveyed off-site.

4. All development shall incorporate LID BMP strategies and techniques (e.g., limiting impervious surfacing, maximizing infiltration in BMP design, reducing the hydraulic connectivity of impervious surfaces, etc.) as much as possible.

5. The drainage system shall include natural biologic filtration components, such as vegetated filter strips and grassy swales that are vegetated with native plant species capable of active filtration and treatment (e.g., rushes), as much as possible. If grades require, check-dams may be used in such biologic filters.

6. Post-development peak runoff rates and volumes shall be maintained at levels similar to, or less than, pre-development conditions.

7. All drainage system elements shall be permanently operated and maintained.

The Permittee shall undertake all new development in accordance with the approved Final Drainage, Erosion, and Sedimentation Control Plan.

4. **Winery Effluent Disposal and Reuse Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two copies of Winery Effluent Disposal and Reuse Plans (WEDRP) to the Executive Director for review and approval. The WEDRP shall provide for winery effluent disposal, with the goal of using reclaimed water and organic material onsite in a manner that protects the quality of surface and subsurface water resources, and riparian habitat areas on and off site. The WEDRP shall be prepared and certified by a licensed civil engineer with experience in winery effluent disposal and reuse processes. At a minimum, the plan shall provide for the following:

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(a) Screened baskets installed on drains exiting the crushing, bottling and barrel cleaning areas of the winery to facilitate separation of solids from the process wastewater. The screen opening sizes shall be 3/16 inches or smaller.

(b) After initial screening, the process wastewater collected from the wine processing area must be conveyed through sealed piping, to a septic tank for storage.

(c) After storage, the process wastewater may be land applied for disposal, utilizing at a minimum the following parameters, or equal or more protective parameters:

- Land application shall be for process wastewater only.

- Land application shall contain no lees, bentonite, xxx, or, xxx
- Land application shall not exceed an organic loading of 300 lbs of BOD per acre per day (peak), or 100 lbs of BOD per acre per day (average). Based on the estimated flow, this would require an area of less than 1 acre.
- Land application shall not occur within 24 hours of a rain event.
- Land application shall not occur in areas where the depth to groundwater is less than 8 feet.
- Land application shall not occur within the restoration and enhancement area (see special condition 2) or within 100 feet of Santa Rosa Creek or its tributaries, as measured from the upper extent of riparian vegetation.

(d) The WEDRP shall be submitted to the Executive Director for review and approval with verification of RWQCB approval.

(e) The WEDRP shall contain a provision for future amendments which allows for installation of more efficient and environmentally sound disposal and reuse systems as technology advances. All amendments to the WEDRP shall be submitted to the Executive Director for review and approval prior to installation or modification of the system.

The Permittee shall undertake development in accordance with the approved Winery Effluent Disposal and Reuse Plan.

5. **Final Exterior Lighting Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two copies of Final Exterior Lighting Plans to the Executive Director for review and approval. All proposed exterior lighting shall be shielded to the maximum extent possible and be of the lowest intensity feasible in order to avoid artificial light pollution of the on site and adjacent riparian habitat areas. Exterior lighting elements adjacent to onsite creeks and tributaries shall be avoided where possible and be the minimum necessary to meet safety requirements. Exterior light shall be shielded and lighting shall be directed downward and away from the creek and riparian areas.

6. **Construction Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two sets of a Construction Plan (in full-size format with a graphic scale) to the Executive Director for review and approval. The Construction Plan shall, at a minimum, include the following:

   (a) Construction Areas. The Construction Plan shall identify the specific location of all construction areas, all staging areas, all storage areas, all construction access corridors (to the construction site and staging areas), and all areas where development is prohibited (see Special Conditions 1 and 2). All such areas within which construction activities and/or staging are to take place shall be minimized to the maximum extent feasible in order to minimize construction impacts on and offsite preservation areas.

   (b) Construction Methods and Timing. The Construction Plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separated from all

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areas where development is prohibited (including using unobtrusive fencing or equivalent measures to delineate construction areas). All erosion control/water quality best management practices to be implemented during construction and their location shall be noted.

(c) Construction Requirements. The Construction Plan shall include the following construction requirements specified by written notes on the Construction Plan. Minor adjustments to the following construction requirements may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.

- All work shall take place during daylight hours. Lighting of the creek and riparian area is prohibited.
- Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
- The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the site; etc.).
- All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each workday.
- All disturbed areas shall be hydro-seeded with an appropriate native seed mix immediately upon conclusion of construction activities in that area.
- The Applicant shall notify planning staff of the Coastal Commission's Central Coast District Office at least 3 working days in advance of commencement of construction, and immediately upon completion of construction.

All requirements above and all requirements of the approved Construction Plan shall be enforceable components of this coastal development permit. The Permittee shall undertake development in accordance with the approved Construction Plan. Any proposed changes to the approved Construction Plan shall be reported to the Executive Director. No changes to the approved Construction Plan shall occur without a Commission amendment to this permit unless the Executive Director determines that no amendment is necessary.

7. **Construction Site Documents & Construction Coordinator**. DURING ALL CONSTRUCTION:

(a) Construction Site Documents. Copies of the signed coastal development permit and the approved Construction Plan shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the coastal development permit and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.

(b) Construction Coordinator. A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and their contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

8. **Winery Operations.** Wine tasting, public tours, retail sales, and special events are prohibited. In our letter to you of June 14, 2008, we offered an explanation of the access standard modification request approved by the County Board of Supervisors. We have not received a response from you to that discussion of the collector road status of Santa Rosa Creek Road. Please explain your basis for this condition.

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9. **Incorporation of County Conditions.** San Luis Obispo County Conditions xx.xx.xx.xx.xx are incorporated as conditions of this approval. All other County conditions imposed pursuant to land use authorities other than the Coastal Act remain unaffected by this action (see Exhibit B for the full text of all County conditions). Any of the incorporated County conditions requiring materials to be submitted to the County and/or otherwise requiring County approval (such as Planning Director approval), shall also require the same materials to be submitted to, and/or the same approvals granted by, the Executive Director under the same review and approval criteria as specified in the County conditions. For future condition compliance tracking purposes, such incorporated County conditions shall be considered subsections of this Special Condition 9. To the extent any such subsections of Special Condition 9 conflict with Special Conditions 1 through 8 above, such conflicts shall be resolved in favor of Special Conditions 1 through 8 above.

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10. **Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicants shall submit to the Executive Director for review and approval documentation demonstrating that the Applicants has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the special conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

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LAURENCE P. HORAN
FRANCIS P. LLOYD
ANTHONY T. KARACHALE
STEPHEN W. DYER
GARY D. SCHWARTZ
MARK A. BLUM
MARK A. O'CONNOR
ROBERT E. ARNOLD III
ELIZABETH C. GIANOLA
AENGUS L. JEFFERS
PAMELA H. SILKWOOD
MICHAEL P. BURNS
AUSTIN C. BRADLEY

LAW OFFICES OF
HORAN, LLOYD, KARACHALE, DYER, SCHWARTZ, LAW & COOK
INCORPORATED

P.O. BOX 3350, MONTEREY, CALIFORNIA 93942-3350

JAMES J. COOK
DENNIS M. LAW

TELEPHONE: (831) 373-4131
FROM SALINAS: (831) 757-4131
FACSIMILE: (831)373-8302

June 14, 2008

OUR FILE NO. 5805.01

VIA REGULAR MAIL

Jonathan Bishop
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, California 95060

Re: Stolo Winery Project: Appeal Number A-3-SLO-07-035

Dear Jonathan:

I am writing on behalf of this law firm's client, Don and Charlene Stolo. The Stolo's desire to operate an artisan winery ("Project") on their 53 acre farm ("Property"). The purpose of this letter is to follow up on our January 30, 2007 meeting at your Santa Cruz offices. With respect to confirming the Project's consistency with the San Luis Obispo Local Coastal Program ("LCP"), we resolved the following issues:

- The Property is benefitted by a legal source of water for the Project.
- The Project will reduce existing water use by 47%.
- The wastewater produced by the Project will not impact area resources.
- The Project ensures the economic viability of the Property's active agricultural use while also providing a unique and inexpensive coastal access opportunity.

At the close of our meeting you asked the Stolo's to respond to the following remaining issues:

- Whether the Project qualifies for a modification to the LCP's collector road standard?
- Whether the Stolo's are willing to either relocate the Wine Storage Barn ("Barn") outside of all applicable 100' riparian setbacks or utilize the existing Barn's building footprint?
- Whether the Stolo's have legal access to the Winery site south of Santa Rosa Creek Road?

Responses to these remaining issues are provided below. Following your review of this letter, the Stolo's and I recommend we schedule a meeting to discuss whether Coastal Staff agrees that the Project as revised is consistent with the LCP.

Modification of the LCP's Collector Road Standard

San Luis Obispo County's Coastal Zone Land Use Ordinance ("CZLUO") section 23.08.042.d.2.ii provides the following standard, "[t]he principal access driveway to a winery with public tours, tasting or retail sales to be located on or within one mile of an arterial or collector". The Project's main driveway is located on Santa Rosa Creek Road, 1.33 miles from Main Street (an arterial road).

The County of San Luis Obispo's ("County") Regional Transportation Plan and as well as the 2007 County Road Maps designate the length of Santa Rosa Creek Road a collector. The County Public Works Department agreed with this conclusion at the time the Project was approved by the County. While the Adelaida Area Plan identifies Santa Rosa Creek Road as a collector, the North Coast Area Plan does not.

I personally believe this omission represents a mere oversight as the planning process resulting in these revisions to the North Coast Plan did not actually discuss altering the road designation for Santa Rosa Creek Road. The latest revisions to the North Coast Plan were solely focused on inserting policies related to the Cambria and San Simeon urban reserve areas. Drafts of the revised North Coast Plan went so far as to mention that the new plan's circulation policies were limited to these urban reserve areas.

Given the internal inconsistency between the County's documents and maps, the most conservative approach is to assume that Santa Rosa Creek Road is not a collector road and apply the modification of Special Use standards contained in LCP Section 23.080.042.d.2.ii. This approach was used and appropriate findings were made in both the Planning Commission and Board of Supervisors approvals.

The Planning Commission and Board of Supervisors considered the following facts during their deliberations:

- Santa Rosa Creek Road connects Cambria to Highway 46
- Santa Rosa Creek Road collects traffic from local roads and funnels it into Cambria and onto Highway 46
- Santa Rosa Creek Road's 20 foot width and lane striping between Main Street and the Project site greatly exceeds the specifications of other collector roads such as Klau Mine Road, Cypress Mountain Road, Old Creek Road, Peachy Canyon Road, and Santa Rita Road. Many of these roads are only 16 feet in width and lack any lane striping. Some of these roads, such as Cypress Mountain Road and Santa Rita Road, are unpaved.

- The existence of other retail businesses such as Linn's Farmstore on Santa Rosa Creek Road, 5 miles from Main Street.
- The collector road standard was intended to address larger wineries with public tours, tasting rooms, and retail sales. In contrast, the Stolo's seek to establish an artisan winery with a modest tasting room.
- The Project as conditioned will result in minimal traffic impacts.
- The scope of the modification (0.33 miles) is relatively minor given the improved state of Santa Rosa Creek Road from Main Street to the Project site.

With respect to the required findings for modifying the collector road standard under Section 23.02.034.c.4, I wish to add that the Project's objective of ensuring the economic viability of the Property's active agricultural use supports the following findings:

- The proposed project or use is consistent with the Local Coastal Program and the Land Use Element of the general plan (Section 23.03.034.c.4.i); and
- The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development (Section 23.03.034.c.4.ii).

Relocation of the Wine Storage Barn

The Stolo's are willing to relocate the Barn to avoid both of the 100 foot riparian setbacks which apply to the northern portion of the Property. The Stolo's considered utilizing the building footprint of the original barn but preferred to locate the barn further away from the northerly drainage channel. Enclosed with this letter as Exhibit "B" is a site plan which outlines the revised location for the Barn. We understood from our prior meeting that relocation of the Barn outside of both 100 foot riparian setbacks satisfies Coastal Staff's concerns regarding the siting of the Barn.

While the Stolo's feel the approved Barn site coupled with the Project's riparian restoration better balances competing riparian setback, viewshed, and prime soils policies, the Stolo are willing to adopt the revised location if Coastal Staff will support the Project at the upcoming Substantial Issue Determination Hearing.

The County has preliminarily determined that the new Barn site substantially conforms with the original County approved Barn site.

Legal Access to the Winery South of Santa Rosa Creek Road

Enclosed with this letter as Exhibit "C" is a copy of the access easement the Stolo's negotiated with their neighbor and which provides the Stolo's a right of access over the paved PG&E utility driveway off of Santa Rosa Creek Road. While the terms of this easement have already been negotiated, we are waiting for the neighbor to return home in order to execute and record the easement. Once the easement is executed and recorded I will forward a copy to your office.

Conclusion

After you have had a chance to review this letter and the attached documents, I recommend that we schedule a meeting to confirm whether Coastal Staff agrees that the revised Project is consistent with the LCP.

Kind Regards,

Aengus L. Jeffers

ALJ:ec
Enclosures
cc: Client
Jamie Kirk
Rachel Kovesdi

RECORDING REQUESTED BY AND WHEN RECORDED RETURN TO:

MARSHALL E. OCHYLSKI, ESQ.
THE LAW OFFICE OF MARSHALL E. OCHYLSKI
1026 Palm Street, Suite 210
San Luis Obispo, CA 93401

Space Above This Line For Recorder's Use

APN'S: 013-081-065 (Grantor Property)
013-081-057 (Grantee Property)

GRANT OF NON-EXCLUSIVE APPURTENANT ACCESS EASEMENT

This GRANT OF NON-EXCLUSIVE APPURTENANT ACCESS EASEMENT is made this ____ day of _____, 2008 by and between GARY SILVEIRA and CHERI SILVEIRA ("Grantor") and DOS CRUCES RANCH, LLC ("Grantee"). Grantor and Grantee and are referred to individually as "Owner" and collectively as "Owners."

RECITALS

WHEREAS, Grantor owns certain real property located in the County of San Luis Obispo, State of California, more particularly described in Exhibit "A" attached hereto and incorporated herein by reference ("Servient Tenement");

WHEREAS, Grantee owns certain real property located in the County of San Luis Obispo, State of California, more particularly described in Exhibit "B" attached hereto and incorporated herein by reference ("Dominant Tenement"); and

WHEREAS, Grantor desires to grant to Grantee a non-exclusive appurtenant easement for purposes of ingress and egress.

NOW, THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION, for themselves and for all current and future owners of the Dominant Tenement, its successors and assigns as set forth herein, it is agreed as follows:

1. **Grant of Easement.** Grantor hereby grants to Grantee an easement burdening the Servient Tenement for the benefit of the Dominant Tenement as described in Exhibit "C" and identified by Plot Map in Exhibit "D" ("Easement") both attached hereto and incorporated herein by reference.

2. **Use of Easement.** The Easement granted herein is for the use of the Servient Tenement for the purposes of secondary vehicular ingress and egress.

3. **Maintenance and Repair**. Grantor and Grantee shall provide maintenance by agreement of the Parties, or in the event the Parties cannot agree, by agreement pursuant to the

procedures of criteria found in the provisions of *Section 845* of the *California Civil Code.* Excepting that each Owner shall be solely responsible for the cost of repair of any damage caused by its own actions, or those of its contractors, agents, guests, licensees, or invitees.

4. **Owners' Responsibilities.** Each Owner is responsible for maintaining its own insurance. Each Owner agrees to hold harmless and indemnify the other Owner for any claims, costs, expenses, actions, suits, losses, damages and liabilities, including but not limited to reasonable attorneys' fees, sustained by another Owner or another Owner's contractors, agents, guests, licensees, or invitees which arise out of or result from (i) a breach or default by an Owner of its obligations under this Agreement; or (ii) the negligence or willful misconduct of an Owner.

5. **Default**. If an Owner defaults in performing its obligations and fails to cure the default within thirty (30) days after receiving written notice from another Owner, or if the default cannot be cured within thirty (30) days, if the defaulting Owner fails to begin to cure the default within the thirty-day period and to diligently pursue the cure as soon as reasonably practical, in addition to all other rights under applicable law, the non-defaulting Owner may elect to perform the obligations on behalf of the defaulting Owner. The defaulting Owner shall reimburse the non-defaulting Owner for all expenses incurred in curing the default plus interest at the maximum legal interest rate.

6. **Miscellaneous**.

(a) **Effective Date.** The Easement shall take effect on the day of recordation of this agreement in the office of the County Recorder of the County of San Luis Obispo, California which recordation shall not occur until a building permit is issued to Dos Cruces for a winery on its property

(b) **Effect of Agreement**. The Easement is for the benefit of the Dominant Tenement is binding on the Servient Tenement; shall run with the real property; and shall benefit and be binding upon each successive owner during its ownership of any portion of the Dominant Tenement and the Servient Tenement.

(c) **Amendment**. The Easement may only be changed by an instrument in writing signed by all of the Owners and recorded in the office of the County Recorder of the County of San Luis Obispo, California.

(d) **Individual Warranty.** Each Owner has the right, power and legal capacity, and authority to enter into and perform its obligations under the Easement.

(e) **Attorneys Fees Clause.** Should any of the Owners be required to engage counsel for the purposes of enforcing or preventing the breach of any provision hereof, including, but not limited to, by instituting any action or Proceeding to enforce any provision hereof, for damages by reason of any alleged breach of any provision hereof, for a declaration of such party's rights and obligations with reference to the provisions hereof, by defending any action or proceeding instituted in violation hereof, or for seeking any other judicial remedy, then if said matter is settled by judicial determination, which term includes arbitration, the prevailing party (whether at trial or on appeal) shall be entitled, in addition to such other relief as may be

granted, to be reimbursed by the losing party for reasonable attorneys' fees and costs actually incurred by the prevailing party.

(f) **Governing Law**. The Easement shall he governed by, construed and enforced in accordance with, the laws of the State of California.

(g) **Counterparts.** The Easement may be executed in one or more counterparts each of which shall be an original, and will become effective and binding upon the Owners at such time as all the signatories hereto have signed the counterpart of the Easement.

GRANTOR: GARY SILVEIRA

_____

CHERI SILVEIRA

_____

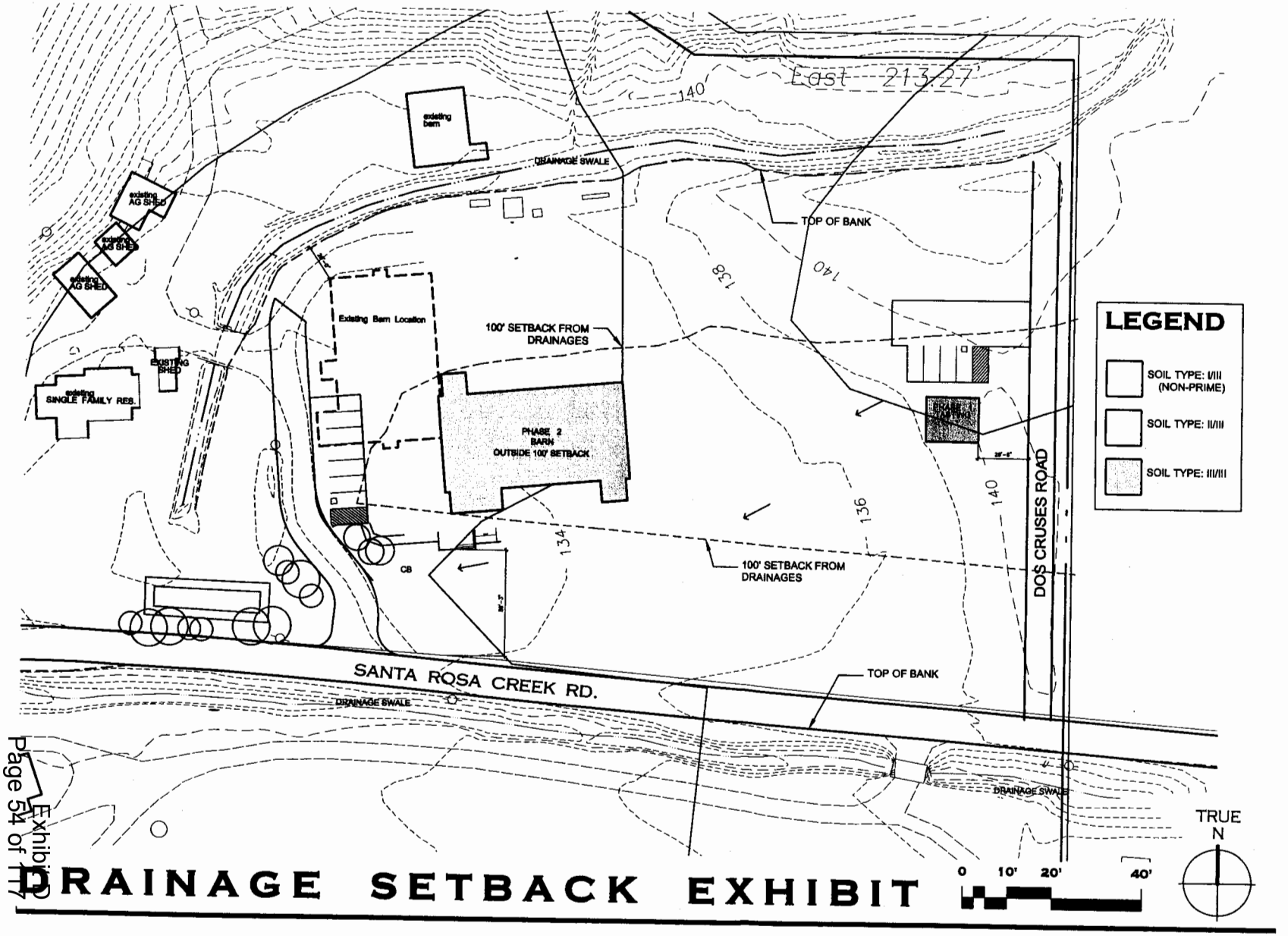
GRANTEE: DOS CRUCES RANCH, LLC
By: DONALD J. STOLO

_____

DOS CRUCES RANCH, LLC
By: CHARLENE A. STOLO

_____

NOTARY ACKNOWLEDGEMENTS ATTACHED



DRAINAGE SETBACK EXHIBIT

MW ARCHITECTS, INC

LICENSED ARCHITECT
WAYNE R. STUART
C-31,427
REN. 12/31/09
STATE OF CALIFORNIA

ARCHITECTS:
MICHAEL C. PEACHEY
WAYNE R. STUART
SAN LUIS OBISPO, CA 93401
825 PRADO ROAD, SUITE Q
TEL: (805) 544-4394
FAX: (805) 544-4330

JOB TITLE
STOLO FAMILY WINERY AND TASTING FACILITY
03770 SANTA ROSA
CAMBRIA, CALIF.

SHEET TITLE
DRAINAGE SETBACK EXHIBIT

JOB NO	SHEET NUMBER
03188	DP3
DATE 06.11.08	
APPL. NO: XX	REFERENCE SHEET

Northwestern Mutual
FINANCIAL NETWORK®

The San Francisco Bay Area Group

February 6, 2010

John S. Chung
Financial Representative
CA license: 0B00363

111 Sutter Street, Suite 1800
San Francisco, CA 94104
415 733 6533 office
415 296 1080 fax
john.chung@nmfn.com
www.nmfn.com/johnchung

Mr. Jonathan Bishop
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

RE: Stolo Winery, Commission Appeal No. A-3-SLO-07-035

Dear Mr. Bishop:

I am writing to express my support for the project proposed by Don and Charlene Stolo to build a small winery and tasting room on their property located at 3770 Santa Rosa Creek Road in Cambria.

This winery and tasting room will create an additional destination to visitors of this unique, coastal town. In addition, the rural setting of the Stolo's location will offer tourists an opportunity to share in an agricultural experience, not to mention provide much needed jobs for California's troubled economy.

We urge you to approve this Coastal Development permit.

Sincerely,

John S. Chung

The Campbells
4375 E. Rocky Point Road
Anaheim, CA 92807

February 8, 2010

Mr. Jonathan Bishop
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

RE: Stolo Winery, Commission Appeal No. A-3-SLO-07-035

Dear Mr. Bishop:

I am writing to express my support for the project proposed by Don and Charlene Stolo to build a small winery and tasting room on their property located at 3770 Santa Rosa Creek Road in Cambria.

This winery and tasting room will create an additional destination to visitors of this unique, coastal town. In addition, the rural setting of the Stolo's location will offer tourists an opportunity to share in an agricultural experience.

We urge you to approve this Coastal Development permit.

Sincerely,

Darren and Lindsey Campbell

54 La Paloma
Los Alamos, NM 87544
Feb 5, 2010

Mr. Jonathan Bishop
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Concerning: Stolo Winery, Commission Appeal No. A-3-SLO-07-035

Dear Mr. Bishop,

As a very frequent visitor to California, Paso Robles, and Cambria; I would like to express my strong and fervent support for construction of a small winery and tasting room on the property of Don & Charlene Stolo at 3770 Santa Rosa Creek Road, near Cambria.

I had the opportunity to visit their vineyard last Spring. It is one of the most beautiful vineyards, located in one of the most beautiful coastal areas, that I have visited in California. Even on a misty/foggy/dreary day, I was struck by its beauty.

The property is a very interesting property, with much history and atmosphere. As it was described to me, their plans for the winery would only enhance the attractivness of this very special place.

Because of the small size of their vineyard and the low level of wine production from it, the impact of their proposal on that property and the surrounding environs will be minimal. There will not be a stream of tour buses or oversized limos visiting the winery. It will not turn Cambria into another glitzy Disneyland known as the Napa Valley.

Cambria is one of my most favorite towns on the entire California coast; one that still has a personal charm, occupied by real people, that many California costal towns have lost. The Stolo Family Winery will only enhance this very special aspect of Cambria.

One aspect of this proposal should not be overlooked. The "carbon footprint" of having to truck their grapes all the way to San Luis Obispo to be made into wine, though small in the overall scheme of things, should not be ignored. By making their wines right there on the property; their "carbon footprint" will be just that much smaller.

I feel ths project is a win-win situation for everyone; for the Solos, for the town of Cambria, for those of us wine lovers. I strongly urge you to approve this permit.

Sincerely,

Dr. Thomas R. Hill
Wine Writer/Albuquerque Journal North

JOANNA RITCHIE
2330 Vanguard Way, M102
Costa Mesa, CA 92626
(951) 316-0598

February 04, 2010

Mr. Jonathan Bishop
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: ***Stolo Winery, Commission Appeal No. A-3-SLO-07-035***

Dear Mr. Bishop:

As a former resident of San Luis Obispo County, I writing to express my support for the project proposed by Don and Charlene Stolo to build a small winery and tasting room on their property located at 3770 Santa Rosa Creek Road in Cambria.

This winery and tasting room will create an additional destination to visitors of this unique, coastal town. In addition, the rural setting of the Stolo's location will offer tourists an opportunity to share in an agricultural experience.

I urge you to approve this Coastal Development permit and please feel free to contact me to further discuss my support.

Sincerely,

JOANNA RITCHIE

LAW OFFICES
DENIS A. O'MAHONEY
POST OFFICE BOX 1028
CORONA DEL MAR, CA 92625

TELEPHONE (949) 706-3114
FACSIMILE (949) 706-3115

EMAIL: OMAHONEYLAWYER@COX.NET
STATE BAR NO. 77635

November 27, 2009

Jonathan Bishop
California Coastal Commission
725 Front Street
Santa Cruz, California 95060

Re: Stolo Winery - Commission Appeal No. A-3-SLO-07-035

Dear Mr. Bishop:

This letter expresses my support for the project proposed by Don and Charlene Stolo to build a small winery and tasting room on their property at 3770 Santa Rosa Creek Road, Cambria, California.

I have known Don and Char Stolo for more than 20 years. I can think of no more responsible and thoughtful people to own and operate a winery and tasting room.

The winery and tasting room proposed by the Stolos will create an additional destination for visitors to the unique coastal community of Cambria and the surrounding area.

Because of the rural setting of the Stolo Winery project, tourists will have the opportunity to experience an aspect of California agriculture in a unique, rustic setting.

I urge you to approve the Coastal Development permit for Don and Char Stolo's winery and tasting room in Cambria. Thank you for your consideration.

Sincerely,

Denis A. O'Mahoney
Attorney at Law

O'M:

November 23, 2009

Mr. Jonathan Bishop
California Coastal commission
725 Front Street – Suite 300
Santa Cruz, CA 95060

Re: Commission Appeal No. A-3-SLO-07-035
Stolo Winery

Dear Mr. Bishop:

Please accept this letter as our support of the winery and tasting room proposed by Don and Charlene Stolo at 3770 Santa Rosa Creek Road in Cambria. We have visited the property where the proposed winery and tasting room will be located and believe that it is a perfect location for the small facility that has been proposed.

We ask you to grant the permit for the development of the proposed winery and tasting room.

Thank you for your consideration.

Sincerely,

Mr. & Mrs. Jeffrey G. Bernards
15736 Warmsprings Drive
Canyon country, CA 91387
(661) 252-3242

Date

Mr. Jonathan Bishop
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

RE: Stolo Winery, Commission Appeal No. A-3-SLO-07-035

Dear Mr. Bishop:

I am writing to express my support for the project proposed by Don and Charlene Stolo to build a small winery and tasting room on their property located at 3770 Santa Rosa Creek Road in Cambria.

This winery and tasting room will create an additional destination to visitors of this unique, coastal town. In addition, the rural setting of the Stolo's location will offer tourists an opportunity to share in an agricultural experience.

We urge you to approve this Coastal Development permit.

Sincerely,

Michael Walsh
Winegrower Consultant
PO Box 35
Cambria, CA 93428
805.927.4410 (o)
805.909.0228 (c)
winegrower@eircom.net

November 5, 2009

Mr. Jonathon Bishop
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: Stolo Winery, Commission Appeal No. A-3-SLO-07-035

Dear Mr. Bishop:

This letter is being written to elicit your support for the proposed small winery and wine tasting room to be located at 3770 Santa Rosa Creek Road in Cambria. In my opinion, the scope and nature of this project will benefit the local community and especially the agriculture/tourism complex.

In addition to winegrowing consulting, much of my time is spent teaching Viticulture at the Community College level. Local high schools and Community Colleges are trying to find curricula that allow graduates of the Viticulture programs to gain employment on the Central Coast. The jobs would be in the vineyard, wineries or hospitality industry. A future Coast Union High School Viticulture program is very much looking forward to obtaining hands-on, real-world, experience if the Stolo's project is approved.

Many of my clients operate wineries and vineyards in rural areas of San Luis Obispo and Monterey Counties and with proper planning oversight, the projects compliment the areas and are strongly supported by the neighbors. San Luis Obispo County has supported similar projects including controlled public access. This small winery and vineyard should be a win-win combination for the community and those who appreciate fine local wines while focusing positive attention to agri-tourism, education and employment opportunities.

Having been an observer in the Stolo's process of obtaining permits to construct their small winery and tasting room, I have been very impressed with the willingness of Don and Charlene Stolo to act with integrity and to work with all facets of the community to provide an asset we will all be proud to say is part of the historical agricultural tradition of Cambria.

Please support the Stolo's efforts by approving this Coastal Development permit.

Sincerely,

Michael Walsh

Moonstone Beach Bar & Grill
6550 Moonstone Beach Drive
Cambria, CA 93428
(805) 927-3859

November 4, 2009

Mr. Jonathan Bishop
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Subject: Stolo Winery, Commission Appeal No. A-3-SLO-07-035

Dear Mr. Bishop:

As a restaurateur in this county, I know how vital the wine industry is to our local economy. The more tourists we can attract to this county, the better our local businesses will do. In turn, this will generate numerous jobs and millions of dollars in tax revenues for this county.

The economic downturn has hit our county hard. The future of all small businesses rests on community support, and tourist dollars. The wine industry has allowed this county to flourish and wine enthusiasts from around the world come to our area to experience all we have to offer.

In order to compete with other counties and states for tourist dollars, we must continue to grow and change to entice tourists to come to our area. The addition of the Stolo Winery would be a great benefit to our area and our local economy. I urge you to approve this Coastal Development permit.

Sincerely,

John MacKinnon, Managing Partner

Dragon Spring Farm

Mike & Carol Broadhurst, Owners
6115 Santa Rosa Creek Road
Cambria, CA 93428
(805) 924-1260
email: mdbroadhurst@att.net
www.dragonspringfarm.com

November 3, 2009

Mr. Jonathan Bishop
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: Stolo Winery, Commission Appeal No. A-3-SLO-07-035

Dear Mr. Bishop,

It has been our pleasure to come to know Don and Charlene Stolo after they purchased their property on Santa Rosa Creek five years ago. They are good people, the kind of people that make this country great, full of energy and insight.

Farmers and neighbors of the Stolos on Santa Rosa Creek, we have been concerned seeing the years go by with so much prime agricultural land fallow along our creek; land that was once productively farmed. For that reason, it is good to now see many acres on their property recently planted in wine grapes. Too many people today want to purchase trophy property, build a big house and watch the years go by, while our country continues to import most of what we consume and lose the greatness we once had.

The small winery and tasting room the Don and Charlene propose to build on their property is consistent with the best use of agricultural property in San Luis Obispo County. Premium wines and tourism are two of the primary economic engines of our county, and Cambria in particular. The small family-run winery and tasting room they have proposed would also be consistent with the varied agricultural environment found along Santa Rosa Creek, would allow the Stolos to be productive in their second careers, and would add to the economy of the area.

We strongly recommend you to approve their permit.

Sincerely yours,

Mike & Carol Broadhurst
Dragon Spring Farm

Mr. John B. McManus
Cambria Palms Motel
2662 Main Street
Cambria, CA 93428

November 3, 2009

Mr. Jonathan Bishop
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

REGARDING: Stolo Winery, Commission Appeal No. A-3-SLO-07-035

Dear Mr. Bishop;

Wineries are an important part of the North Coastal area of San Luis Obispo County's economy and charm. Processing grapes in the county and selling wine on site keeps revenues in the community. Small boutique wineries attract wine enthusiasts from around the world to the small towns of the central coast.

In these challenging economic times when it seems everyone is financially challenged, agriculture and tourism can remain one of our bright spots here in San Luis Obispo County.

The economic downturn has hit California's Local Businesses hard, including ours. The future of small, local wineries rests on community support; and local wineries, in turn, support the community with charitable contributions in which wine becomes a vehicle for raising funds for community organizations.

Wineries and wine grapes are inherently long-term investments with long-term employment. This results in a wine community that is committed to being good neighbors and responsible stewards of the land.

The Stolos are proposiing a family-operated boutique winery and tasting room that will benefit the local business community. We urge you to approve this Coastal Development permit soon.

Sincerely

John B. McManus

RECEIVED

FEB 16 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

TO: California Coastal Commission Date: February 8, 2010

RE: Proposed Stolo Winery and Tasting rooms
On Santa Rosa Creek Road, Cambria
Appeal # A-3-SLO-07-035

Dear Coastal Commissioners,

We ask that you protect the environment and natural resources of Santa Rosa Creek Valley and vote against this proposed winery, (per CCC staff—winery/crush pad/bottling plant, wine tasting room, barrel storage, offices, parking and wine events).

We are fortunate that a number of years have passed since first viewing this proposed commercial wine processing endeavor on precious agriculture land. We now have the opportunity to see the detrimental negative effects on our county's environment and natural resources from other wineries in our county.

Some of the most common problems that have arisen because of these wineries are the diminished water supply in the areas they are located. The general population now has to pay more for their water (i.e. Paso Robles/Templeton/Atascadero/etc.) while these wineries and bottling plants are taking the lion share of the water resources without paying for water usage. Another problem is the disposal of the chemicals into Ag land which then leaches into area creeks and streams. The increase of traffic accidents especially in our rural areas is another problem. The drivers who are intoxicated from the wine tasting, affects the safety of our daily lives, especially when located so close to our homes and schools.

As residents of Santa Rosa Creek Road and the Cambria area, we are very concerned about this proposed winery, bottling plant, wine tasting room and wine events and how it will affect our lives, agricultural business, and our water supply. We cannot afford to have our springs go dry, or dig deeper wells because of the excess of water this winery and commercial bottling plant will use.

This proposed winery is located 1.7 miles from an auxiliary road and San Luis Obispo County does not allow over 1 mile. This 1.7 miles of rural winding road with hairpin turns and curves, must be driven past our local High School which generates much traffic with young drivers.

We wish Mr. Stolo well in his vineyard endeavor, but feel very strongly that his winery and bottling plant should be located in a commercial zoning district where the water he uses can be treated and reused, and he has access to public sewer to dispose properly of the detrimental chemicals needed for the winery and bottling factory. Also the additional truck loads of grapes that will be needed to be brought in to sustain a commercial wine operation would be more accessible in a commercial zone.

As you all are aware, there has been extensive research on Santa Rosa Creek and the endangered Steelhead population by Don Alley, Biologist. He has stated, "Reach 1, which is located adjacent to the property of this proposed winery, has the highest density of large steelhead fish because it has a higher stream flow than other areas of Santa Rosa Creek." The Steelhead will definitely be affected with the leaching of chemicals as this whole area is subject to flooding and all run-off flows to the creek. This proposed winery will also affect the quantity and quality of drinking water for Coast Union High School and the town of Cambria which is located downstream from this proposed winery. All residents of this valley will be affected by the proposed winery taking the lion share of this limited water resource. On a personal level in the Santa Rosa Creek Valley and Cambria area, who will protect the residents and other agriculture businesses from their water sources drying up from this bottling factory? In California, water has become one of our most precious resources.

We do wish the Stolos' the best in their endeavor but feel strongly that a commercial processing plant operation should be located in a commercial zoning district where they pay for the amount of water they use and there is a treatment plant for the excess chemicals which are harmful to our precious eco system.

We request the Coastal Commission to be good stewards of the land and protect our precious environment and natural resources by denying this project. We the residents of Santa Rosa Creek Valley and Cambria area have the following concerns:

- Traffic congestion on winding rural rough road
- Close proximity to Coast Union High School
- Increased probability of driving under the influence from tasting room
- Environmental concerns of increased pollutants
- Changing historically rural land to commercial development
- Setting precedence for increased development
- Proposed winery will affect endangered Steelhead population
- Excessive water usage will deplete water resources
- Location of proposal site is in a historic flood plain

Print Name Pamela R Hoagdes
Address 5080 Santa Rosa Creek Road, Cambria CA
Signature Pamela R Hoagdes

Print Name MARIE C ALEMANNE
Address 4130 Santa Rosa Creek Road
Signature Marie C Alemanne

Print Name Diane C. Garnett
Address 4252 Santa Rosa Creek Road
Signature DIANE C. GARNETT

Print Name WADE RHOADES
Address 5020 SANTA ROSA CREEK ROAD, P.O. BOX 384
Signature Wade Rhoades

Print Name TRUSTEE OF Olimpio Bianchi Wade Rhoades Trustee
Address 4130 + 4252 Santa Rosa Creek Road Cambria CA. 93428
Signature Wade Rhoades, Trustee

Print Name Justin Rhoades
Address 4775 Santa Rosa Creek Road
Signature Justin Rhoades

Print Name Kathryn Greenelsh
Address 5245 SANTA ROSA Creeke Road
Signature Kathryn Greenelsh

Print Name Monte Soto
Address 2225 Old Creamery Rd
Signature

Print Name Kati Soto
Address 2225 Old Creamery Rd., Harmony, CA
Signature Kati Soto

Print Name Debbie Soto
Address 6830 Santa Rosa CreeK Rd Cambria
Signature Debbie Soto

Print Name Robert Soto
Address 6830 Santa Rosa Ck Rd
Signature Robert Soto

TO: California Coastal Commission Date: February 8, 2010

RE: Proposed Stolo Winery and Tasting rooms
On Santa Rosa Creek Road, Cambria
Appeal # A-3-SLO-07-~~233~~ 035

Dear Coastal Commissioners,

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Some of the most common problems that have arisen because of these wineries are the diminished water supply in the areas they are located. The general population now has to pay more for their water (i.e. Paso Robles/Templeton/Atascadero/etc.) while these wineries and bottling plants are taking the lion share of the water resources without paying for water usage. Another problem is the disposal of the chemicals into Ag land which then leaches into area creeks and streams. The increase of traffic accidents especially in our rural areas is another problem. The drivers who are intoxicated from the wine tasting, affects the safety of our daily lives, especially when located so close to our homes and schools.

As residents of Santa Rosa Creek Road and the Cambria area, we are very concerned about this proposed winery, bottling plant, wine tasting room and wine events and how it will affect our lives, agricultural business, and our water supply. We cannot afford to have our springs go dry, or dig deeper wells because of the excess of water this winery and commercial bottling plant will use.

This proposed winery is located 1.7 miles from an auxiliary road and San Luis Obispo County does not allow over 1 mile. This 1.7 miles of rural winding road with hairpin turns and curves, must be driven past our local High School which generates much traffic with young drivers.

We wish Mr. Stolo well in his vineyard endeavor, but feel very strongly that his winery and bottling plant should be located in a commercial zoning district where the water he uses can be treated and reused, and he has access to public sewer to dispose properly of the detrimental chemicals needed for the winery and bottling factory. Also the additional truck loads of grapes that will be needed to be brought in to sustain a commercial wine operation would be more accessible in a commercial zone.

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We do wish the Stolos' the best in their endeavor but feel strongly that a commercial processing plant operation should be located in a commercial zoning district where they pay for the amount of water they use and there is a treatment plant for the excess chemicals which are harmful to our precious eco system.

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- Setting precedence for increased development
- Proposed winery will affect endangered Steelhead population
- Excessive water usage will deplete water resources
- Location of proposal site is in a historic flood plain

Print Name Debra Small

Address 6485 Santa Rosa Creek Road

Signature Debra Small

TO: California Coastal Commission Date: February 8, 2010

RE: Proposed Stolo Winery and Tasting rooms
On Santa Rosa Creek Road, Cambria
Appeal # A-3-SLO-07-035

Dear Coastal Commissioners,

We ask that you protect the environment and natural resources of Santa Rosa Creek Valley and vote against this proposed winery, (per CCC staff—winery/crush pad/bottling plant, wine tasting room, barrel storage, offices, parking and wine events).

We are fortunate that a number of years have passed since first viewing this proposed commercial wine processing endeavor on precious agriculture land. We now have the opportunity to see the detrimental negative effects on our county's environment and natural resources from other wineries in our county.

Some of the most common problems that have arisen because of these wineries are the diminished water supply in the areas they are located. The general population now has to pay more for their water (i.e. Paso Robles/Templeton/Atascadero/etc.) while these wineries and bottling plants are taking the lion share of the water resources without paying for water usage. Another problem is the disposal of the chemicals into Ag land which then leaches into area creeks and streams. The increase of traffic accidents especially in our rural areas is another problem. The drivers who are intoxicated from the wine tasting, affects the safety of our daily lives, especially when located so close to our homes and schools.

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1 Traffic congestion on winding rural rough road
2 Close proximity to Coast Union High School
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5 Changing historically rural land to commercial development
6 Setting precedence for increased development
7 Proposed winery will affect endangered Steelhead population
8 Excessive water usage will deplete water resources
9 Location of proposal site is in a historic flood plain

Print Name Allen Peter Alexander Taylor
Address 3350 Santa Rosa Crk. Rd
Signature Allen P. A. Taylor

Print Name Nancy Elaine Taylor
Address 3350 Santa Rosa Creek Road Cambria
Signature Nancy Taylor

Print Name Wendi Marie Torell
Address 2021 Chesterer Lane, Cambria
Signature Wendi Torell

TO: California Coastal Commission Date: February 8, 2010

RE: Proposed Stolo Winery and Tasting rooms
On Santa Rosa Creek Road, Cambria
Appeal # A-3-SLO-07-~~233~~ 035

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- Setting precedence for increased development
- Proposed winery will affect endangered Steelhead population
- Excessive water usage will deplete water resources
- Location of proposal site is in a historic flood plain

Print Name Larry Fiscalini

Address 6485 Santa Rosa Creek Road, Cambria, CA 93428

Signature Larry Fiscalini

Appeal # A-3-SLO-07-035 #28

The undersigned collectively oppose the proposed winery and tasting room plans for 3770 Santa Rosa Creek Road. We are requesting an Environmental Impact Report (EIR).Our major concerns are:

- Increased traffic impact on rural Santa Rosa Creek Road
- Close proximity to 3 public secondary schools & a preschool on Santa Rosa Creek Road
- Increased probability of driving under the influence due to project tasting room
- Environmental concerns of pollutants in Santa Rosa Creek from wine processing plant
- Setting a precedence for increased development on this historically rural land
- Incremental approvals of developments will eventual lead to large urban/commercial area
- Location of proposal site is in a historic flood plain
- The granting of county waivers for this project to override existing protective ordinances

SIGNATURE	PRINT NAME	ADDRESS
Penny J Sannella	PENNY J. SANNELLA	967 SUFFOLK ST CAMBR
Debby L Boutros	Debby L. Boutros	5250 Hillcrest Dr. Cambr
Kathleen D Kirby	Kathleen Kirby	2775 Burton Circle Cambria
Elizabeth M Swanson	ELIZABETH M. SWANSON	3045 MAIN ST, CAMBRIA
Jeanne Akey	Jeanna Akey	5334 Plymouth ST Cambr

RECEIVED
FEB 16 2010
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

GREENSPACE
THE CAMBRIA LAND TRUST

RECEIVED
FEB 08 2010
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Jonathon Bishop
California Coastal Commission
725 Front St., Ste. 300
Santa Cruz, CA 95060

February 2, 2010

RE: Stolo Winery Wastewater and Santa Rosa Creek

Dear Mr. Bishop:

I would like to submit the below (in italic) information to be included in the record for the Stolo Winery appeal by Greenspace-the Cambria Land Trust. The information provided comes from James Brownell, Professor Emeritus of Soil Science, Fresno State University.

It is important to focus on the real issue regarding the waste stream generated by this project. It is not an agriculture operation in the normal and accepted practice of rural landscapes and small watersheds. This is an industrial agriculture operation and land use. Importing copious amounts of wine grapes from other watersheds and counties to be processed in a steep and highly erosive watershed like Santa Rosa Creek will generate an artificial waste stream that will cause harm to this fragile ecosystem.

Santa Rosa Creek is a recognized steelhead stream. These salmonid fish prefer cool, well-oxygenated water. Temperature and oxygen requirements vary with age and fish populations. Steelhead generally and particularly steelhead 'young of year' have difficulty obtaining sufficient oxygen at water temperatures greater than 70°F. The temperature at which half the population began to die has been found to be 77° under experiment conditions. Warmer water temperatures require more abundant food sources for fish survival. The high temperature stress appears to be related to the oxygen supply, colder water can hold more oxygen; at higher temperatures this becomes sluggish and more susceptible to disease and predators. Any wastewater discharge that increases the oxygen demand (COD or BOD) will decrease the survivability of steelhead in Santa Rosa Creek.

Winery wastewaters are highly variable in their content, in a yearlong study of six small wineries in California showed a variation from 600 to 45,000 mg/l COD in

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the wastewater. A sophisticated, upward flowing engineered wetlands disposal system was able to remove more than 90% of most of the moieties involved in this waste stream, but only 76% of the phenols and only about 67% of the orthophosphate. Indicating that even with a very expensive to operate, for small winery, waste disposal system there is a threat that discharge water after treatment may very well increase the fertility of the receiving stream. Which would most likely increase the biological productivity of that stream, causing excess algae to grow, that when it dies and decomposes consumes the dissolved oxygen making the stream less favorable for steelhead.

Winery wastewaters contain some of the water-soluble nutrients that were in the grape juice. Traditional concerns have been about nitrogen and phosphorus and to some extent potassium. The nitrogen and phosphorus contribute to the excess algae problem and potassium can result in reduced effectiveness of any land disposal of the waste stream. Potassium has the same affect on soil as sodium, high levels of either of these ions result in soil dispersion and poor water infiltration. In a wastewater disposal scheme that relies on land disposal this can result, over time, in failure of the design to meet the wastewater treatment goals with a serious impact on the receiving stream waters.

During vindication, wastewater temperatures have been observed as high as 77 F (25 C) and PHS as low as 3 and reasonable treatment of these wastewaters usually mitigated these problems as would cooling the waste stream to ambient, and elevating the pH to more nearly 7. However, even a one-time failure of the wastewater treatment system that would allow direct flow of this untreated wastewater into this small stream could be disastrous for the steelhead population.

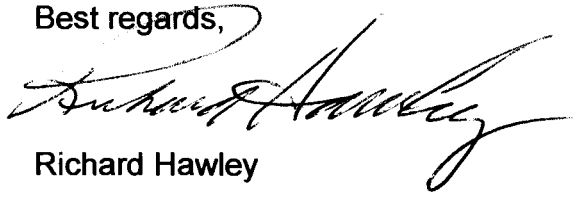
Wine production can be considered an extension of an agricultural enterprise, if the winery is located within immediate area of the vineyard where the grapes are produced. However, a winery with imported grapes is more of industrial land use than agricultural. In the case of the Santa Rosa Creek watershed importation of grapes for wine production will result in an increased loading on the stream solids load. Even with perfect wastewater treatment, there will be an increase in soluble solids and therefore the salinity of the stream. Whether on not this has an affect on steelhead population cannot be determined at this time. The stream is borderline in its ability to support steelhead in its current condition, populations are much reduced from historic levels, and any increase in loading could be expected to have a negative affect on their survivability. Perfect wastewater treatment is probably not possible and the potential for a release of partially treated wastewater into the stream is very high.

A winery in the Santa Rosa Creek watershed that relies on imported grapes should be designed to retain all organic wastes and the treated wastewater should be processed to lower the BOD/COD to acceptable levels for land

disposal. The land disposal of this water should be on a schedule more like irrigation than waste disposal. That is, the water application should be on a growing crop at rates that are compatible and comparable to those of an Irrigation schedule, not flooded in a shallow pond as water disposal. This will result in the minimum increase of the soluble solids load on the stream. Wastewater treatment to this level will result in sludge along with the lees from crushing of the grapes, to minimize the impact on the stream; this combined organic waste should be removed from the watershed.

While a winery scaled to the appropriate landscape and carrying capacity of the Santa Rosa Creek watershed might still cause significant harm to this ecosystem it becomes apparent that under any circumstance the physical removal of contaminants to a regulated disposal site is the environmental correct option of ridding the watershed of contaminants generated by this industrial wine bottling operation.

Best regards,



Richard Hawley

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SIGNATURE	PRINT NAME	ADDRESS
	J RANDALL BALDWIN	PO BOX 183
	Allison Duncan	P.O Box 204
	STUART MACKAY	Box 446
	Diana Swicher	579 Plymouth

Breakdown 168+44= 212

Coast Union Students 23 9% Students

#3

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SIGNATURE	PRINT NAME	ADDRESS
Sheri Baldwin	Sheri Baldwin	2918 Burton
Lorin Cary	Lorin Cary	293 Drake St. Cambria
Carla Drovdal	CARLA DROVDAL	528 Plymouth, Cambria
	Rick Wemple	345 Jean St. Cambria
	C.W. DE VROEDE	1483 Benson Ave Cam
Nancy E Martin	NANCY MARTIN	397 MANZANITA DR LOS OSOS. CA
Melissa Kelley	Melissa Kelley	5115 Bluebird Ln Paso Robles CA.
Sherrie Castellanos	SHERRIE CASTELLANOS	16050 93446 Walnut Ave Atas-

4

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SIGNATURE	PRINT NAME	ADDRESS
Larry Fiscalini	Larry Fiscalini	6485 Santa Rosa Ck Rd Cambria, CA 93428
Frank Fiscalini	FRANK FISCALINI	6487 SANTA ROSA CK RD CAMBRIA CA. 93428
Wade Lee Rhoades	WADE LEE RHOADES	4775 SANTA ROSA CK. Rd
Justin Rhoades	Justin Rhoades	5080 Santa Rosa Ck. Rd
Pamela Rhoades	PAMELA RHOADES	4775 Santa Rosa Creek Rd CAMBRIA, CA 93428
Kristin Losness	Kristin Losness	5080 Santa Rosa Creek Rd
Debra Steeber	Debra Steeber	6487 Santa Rosa Creek Rd

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SIGNATURE	PRINT NAME	ADDRESS
	Monte Soto	381 Trinidad Morro Bay
	Kati Soto	381 Trinidad Morro Bay

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SIGNATURE	PRINT NAME	ADDRESS
Marcelle Bahula	Marcelle Bahula	PO Box 567, Cambria CA
Jim Cunningham	JIM CUNNINGHAM	2495 PINERIDGE 93428
Annie Mills	ANNIE MILLS	24 CYPRESS GLEN CT 93430
Jeff Rodriguez	Jeff Rodriguez	682 Randall Dr. Cambria 93428
Ann-Marie Radecki	AnnMarie Radecki	2334 Wilcombe CA 93428
Tim Radecki	Tim Radecki	2334 Wilcombe CA 93428
Earl J Mann	Earl J. Mann	2412 Langton ST
Suzanne Kennedy	Suzanne Kennedy	2495 Pineridge Dr. 93428
Laurie Reese	LAURIE Reese	1401 Ardath Dr 93428
Mark Reese	Mark Reese	1401 Ardath Dr
Shannon Jackson	Shannon Jackson	2974 Burton Dr. 93428
Richard Grise	RICHARD GRISE	PO Box 729, CAYUCOS, CA
Wendy L. Heinscha	Wendy Heinscha	2728 Orville, Cayucos
Jeff Keyes	JEFF KEYES	51 20th St (CAYUCOS)

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SIGNATURE	PRINT NAME	ADDRESS
Skyler Moon	Skyler Moon	2412 Langton St.
Lily Takahashi	Lily Takahashi	177 F. St. Cayucos
Ashlyn Silva	Ashlyn Silva	11 Fresno Ave. Cayucos

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SIGNATURE	PRINT NAME	ADDRESS
Daniel O'Neill	Dan O'Neill	2493 Cowper Cambria, 93428
Cheri Gada	Shari Baldwin	
Suzanne O Knapp	Suzanne O Knapp	PO Box 1784 Cambria, CA 93428
Martha	Martha Wing	2274 Windsor Cambria
Debra Soto	Debra Soto	6830 Santa Rosa Ck Rd 93428
Robert Soto	Robert Soto	6830 Santa Rosa Ck Rd Cambria 93428
Melissa Carstairs	Melissa Carstairs	904 Evert Court Paso
Joanne Warren	Joanne Warren	51660 Santa Rosa Ck Rd Cambria
Walt Elliott	WALT ELLIOTT	204 MADERA, LOS OSOS
Shirlene Soto	Shirlene Soto	6708 Santa Rosa Creek Rd.

#14

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SIGNATURE	PRINT NAME	ADDRESS
Stephanie Arehart	Stephanie Arehart	2400 Kerry Ave Cambria
John Rivera	JOHN RIVERA	2460 KERRY AVE
Jan Moon	JAN MOON	2412 Langton
Jennifer Perryman	Jennifer Perryman	1675 Stuart, Cambria
	Dennis White	3313 Ramsey, Cambria
	Michael O'Sullivan	2471 Banbury Rd Cambria
	Brent Hopkins	6355 Cambria Pines Rd, Cambria
	Marie Hopkins	6355 Cambria Pines Rd
Tamara Corbet	Tamara Corbet	2526 Pierce Cambria, CA
Michelle Rodriguez	Michelle Rodriguez	2968 Arlath Cambria
Lynne Harkins	LYNNE HARKINS	1730 LONDON LANE CAMBRIA
John FitzRandolph	JOHN FITZRANDOLPH	2010 SKYE ST CAMBRIA CA
	Constance Faber	Box 1641 Cambria CA
Zdravko Barov	Zdravko Barov	2199 Sherwood Cambria CA
Michelle Costa	Michelle Costa	682 RANDALL DR CAMBRIA

19

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SIGNATURE	PRINT NAME	ADDRESS
	STEPHEN FRANZ	539 CANTERBURY LN CAMBRIA, CA 93428
Cyndie Wilson	Cyndie Wilson	414 Santa Barbara Morro Bay 93442
	Laurie Valles	
John Rivera	JOHN RIVERA →	1050 Ardridge Cambria, CA 93428 2400 KLAMATH AVE
Natalie Hamilton	Natalie Hamilton	3343 Ramsay St Cambria CA 93428
Pam Kenyon	Pam Kenyon	169 WESSELS WAY TEMPLETON CA 93465
Leslie Taylor-Snow →		3680 Santa Rosa Creek Cambria, CA 93428
Shelley White		3313 Ramsay ST. Cambria, CA.

#19

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SIGNATURE	PRINT NAME	ADDRESS
Craig Brooke	CRAIG BROOKE	345 WARWICK, 93428
Kelly J Johnson	KELLY J JOHNSON	1445 NAVAJO, 93428
M. West	Romi WEST	1763 HUDSON AVE 93428
Juanita E. Jimenez	Juanita E. Jimenez	2179 Orme Place 93428
Heather Trimble	Heather Trimble	1101 Ardath Dr.
Chris Trimble	Chris Trimble	1101 Ardath Dr
Kellen Trimble	Kellen Trimble	1101 Ardath Drive 93428
Jon Pedotti	JON PEDOTTI	2222 SAN SIMEON CREEK RD.
Lindy S. Pedotti	LINDY S. PEDOTTI	2222 SAN SIMEON CREEK Rd.

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SIGNATURE	PRINT NAME	ADDRESS
John Helps	JOHN HELPS	1870 Laurel Pl. Cambria
Constance Helps	CONSTANCE HELPS	1870 Laurel Pl Cambria
Jacque Morales	JACQUE MORALES	5555 Sunset Ave CAMBRIA
Michelle Lewis	Michelle Lewis	740 Kern Ave Unit A Morro Bay, CA
Mike Miller	MIKE MILLER	1635 Spencer CAM.
Sara Miller	SARA MILLER	1635 Spence CAM.
Susan McDonald	Susan McDonald	4158 San Simeon Crk Rd
Darrell F. Radford	Darrell F. Radford	5151 Jack Creek Rd. Templeton
Milene F. Radford	Milene F. Radford	5151 Jack Creek Rd. Templeton
Marcia Rhoades	Marcia Rhoades	5775 San Simeon Creek Road, Cmbria
Rosa Quintero	Rosa Quintero	P.O. Box 133 San Simeon

#24

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SIGNATURE	PRINT NAME	ADDRESS
	[illegible]	2425 Alsw
Solomon Walker	Solomon Walker	2250 Benson Ave

#25

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SIGNATURE	**PRINT NAME**	**ADDRESS**
Lori Clayton	Lori Clayton	4075 Santa Rosa Creek Rd.
Joan Schleicher	Joan Schleicher	465 Santa Rosa Ck Rd
Rose Newsum	Rose Newsum	203 Santa Rosa Creek Rd
Matt McGurrin	MATT McGURRIN	3325 BRADFORD CIR
Tammy Karas	Tammy Karas	504 Dawson St. Morro Bay
E Dewsnup	Ellen Dewsnup	9359 Jasper Way, San Simeon
Donna Bishop	Donna Bishop	4 State Park Rd, Morro Bay
Carol Ollivier	CAROL OLLIVIER	1250-ARLISS DR. CAMBRIA
[illegible]	Donald Kraney	1245 [illegible] Dr SCd
Aisha Anderson	AISHA ANDERSON	886 ALYSSUM CT. SLO
Kona Wils	Kona Wilson	2161 Green St.
CAROl Patton	CAROl PATTON	2585 Leona Ave Cambria
Shari Silvers	Shari Silvers	1700 Benson dr Cambria
Stephen R. Voorhees	Stephen R. Voorhees	146 No. Ocean Ave., Cayucos, CA 93430
J.E. Rhoades	JOHN E. RHOADES	5874 SAN SIMEON CREEK ROAD CAMBRIA, CALIF 93428
Felicia Guy	Felicia Guy	P.O. Box 1372 MORRO BAY, CA 93442

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SIGNATURE	PRINT NAME	ADDRESS
	Tracy Mitchell	465 Golden Meadow, Templeton
Mary E. Evans	Mary E. Evans	7020 Green Valley Rd. Cambria
C Wells	CYNTHIA WELLS	2526 PINE RIDGE

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SIGNATURE	PRINT NAME	ADDRESS
Cynthia Kennedy	Cynthia Kennedy	624 KERN AVE M.B, CA 93442
Solomon Walker	Solomon Walker	2250 Benson AVE Cambria 93428
SAguilar	Sherry Aguilar	1220 Norton Cambria, 93428
Wade A. L	Wade A. Lawrence	1497 Whippoorwill Ln. Templeton, CA 93465
Maria Moynier	Maria Moynier	1032 Hartford St. Cambria 93428
Janet Johnson	Janet Johnson	23205 Juniper Ave Morro Bay 93442
S C	STEVE CRIMMEL	4111 BRIDGE ST. CAMBRIA CA.
Carol Adams	CAROL ADAMS	4960 Grove St Cambria Ca
Jerry Adams	Jerry Adams	4960 Grove St Cambria Ca

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John B. Holland	Josh Holland	Box 335 Cambria, CA 93428
Mat Rupp	Mat Rupp	3148 Ocean Blvd Cambria CA 93430
Joseph J Murrell	Joseph Murrell	1165 Hartford Cambria, CA 93428
Jesse Morris	Jesse Morris	2100 Willow Drive
Jonathan J Lambert	Jonathan L Lambert	7767 Santa Rosa Creek Rd Cambria, Ca 93428
Erica Dietes	Erica Dietes	mail: P.O. Box 1035 5250 Hillcrest
Hayley Walker	Hayley Walker	1647 Spencer St. Cambria Ca 93428

Students at Coast Union

#34

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SIGNATURE	PRINT NAME	ADDRESS
	Alicia M/Guire	411 Weymouth St.
Molly Tillers	Molly Tellers	3330 Ramsey Ave
[redacted]	Solomon Walker	2250 Benson Ave C-Town
Solomon Walker	Elizabeth Torres	P.O. Box 3150
	Spencer Carpenter	2763 S. Ocean Blvd.
Kaitlin Bitto	Kaitlin Bitto	2730 Newton
Chelsea O'Sullivan	Chelsea C'Sullivan	2471 Banbury
Natalie Rodriguez	Natalie Rodriguez	682 Randall Dr.
Katherine Carter	Katherine Carter	[redacted]5321 Plymouth St.
Melissa Jane Dowdy	Melissa Dowdy	2205 Wilcombe Dr
	Elida Moore	1540 Spencer St
	Mat Rupp	3198 Ocean Blvd

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Students

#35

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SIGNATURE	PRINT NAME	ADDRESS
Rachael Lynn Fields	Rachael Fields	2501 Newport

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	SIGNATURE	PRINT NAME	ADDRESS
1	Laura Avila	Laura Avila	13217 Dreyden
2	Kate Heavenrich	Kate Heavenrich	4355 Santa Rosa Crk Rd
3		Bill Fremion	PO Box 96 San Simeon
4	Ruby Steen		P.O Box. 1272 Cambria.
5	Mary Waste	Mary Waste	P.O. Box 124, Cambria
6		J McCormick	2495 PINEGROVE DR. CAMBRIA
7	Scott Ardis	Scott Ardis	1776 Spencer Dr Cambria
8	Cindy Sassaman	Cindy Sassaman	3343 Ramsegate Rd.
9	Karen Anderson	KAREN ANDERSON	816 Main St
10	Howard Peller	Howard Peller	1825 Lancaster St Cambria
11	John McHagan	John McHagan	Rogged Point
12	Dana Miller	Dana Miller	2494 Main Ave

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1		Gary Grant	5218 Hillcrest Cambria
2		Rod Garcia	550 Estero Ave Morro Bay, CA
3		Moises M. Jimenez	2179 Orme Place Cambria, CA 93428
4		David Clements	2346 Laurel Ave MB 93442
5	Marlo	Craig Marlo	436 Warwick st Cambria
6		Kathleen Marlo	436 Warwick Cambria 93428
7		Loretta Butterfield	645 Weymouth Cambria 93428
8		Ann Rodgers	359 Warwick Cambria
9		Maricela Catalan	3372 Green Valley 93428 Rd Cambria CA
10		CURT SNOW	595 CHISWICK WAY
11		KAREN GOWDY	5218 Hillcrest Dr.
12		Barbara A. Lee	1100 Suffolk ST.

The undersigned collectively oppose the proposed winery and tasting room plans for 3770 Santa Rosa Creek Road. We are requesting an Environmental Impact Report (EIR).Our major concerns are:

- Increased traffic impact on rural Santa Rosa Creek Road
- Close proximity to 3 public secondary schools & a preschool on Santa Rosa Creek Road
- Increased probability of driving under the influence due to project tasting room
- Environmental concerns of pollutants in Santa Rosa Creek from wine processing plant
- Setting a precedence for increased development on this historically rural land
- Incremental approvals of developments will eventual lead to large urban/commercial area
- Location of proposal site is in a historic flood plain
- The granting of county waivers for this project to override existing protective ordinances

	SIGNATURE	PRINT NAME	ADDRESS
1	Tigg Morales	TIGG MORALES	810 WARREN RD CAMBRIA CA 93428
2	[signature]	MARK CAMPBELL	2104 ANDOVER PL CAMBRIA 93428
3	[signature]	Ronald N Moore	1540 SPENCER ST CAMBRIA 93428
4	[signature]	JIM HARRIS	1190 Las Tunas MORRO BAY, CA
5	Dustin Grise	DUSTIN GRISE	50 20TH STREET CAYUCOS, CA 93430
6	[signature]	Jaime Harris	1150 Las Tunas MORRO BAY, CA
7	[signature]	Karl Dearie	1855 W. Ferrocarril ATASCADERO, CA
8	George D Mundo CUHS TEACHER	George DiMundo	2657 Willits Lane Paso Robles, CA. 93446
9	~~Sharon~~ Sharon Bisso CUHS TEACHER	Sharon Bisso	1630 Old Creek Rd. Cayucos, CA 93430
10	Jonna L Horn Jonna Horn	Jonna L. Horn	1175 Rolfe Lane Templeton, CA 93465 CUHS teacher
11	Callie D Main Callie D Main	Callie D. Main	170 Hidalgo Cayucos Ca 93430

Students
Signature from Coast Union

#46

The undersigned collectively oppose the proposed winery and tasting room plans for 3770 Santa Rosa Creek Road. We are requesting an Environmental Impact Report (EIR).Our major concerns are:

- Increased traffic impact on rural Santa Rosa Creek Road
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- Increased probability of driving under the influence due to project tasting room
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- Incremental approvals of developments will eventual lead to large urban/commercial area
- Location of proposal site is in a historic flood plain
- The granting of county waivers for this project to override existing protective ordinances

SIGNATURE	PRINT NAME	ADDRESS
	Mackenzie Cunningham	2495 Pineridge Dr. Cambria CA
	Kaide Johnson	2825 Schoolhouse Ln #21
	Alex Hanson	2070 McCabe *B
	Ryan Hampton	3128 Wood Dr.
	Neil main	170 Hidalgo Ave. Cayucos
	Andrea Nuñez	540 pico Ave Apt#111
Schuli Mercado	Schuli Mercado	P.O. Box 980 Cambria CA
	Jessie Heavenrich	P.O. Box 1007 Cambria, CA
	Alison Lawrence-Toombs	2988 Buckingham Pl Cambria CA 93428
	Thomas Jackson	2974 Burton Dr. Cambria 93428

10

The undersigned collectively oppose the proposed winery and tasting room plans for 3770 Santa Rosa Creek Road. We are requesting an Environmental Impact Report (EIR).Our major concerns are:

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- Incremental approvals of developments will eventual lead to large urban/commercial area
- Location of proposal site is in a historic flood plain
- The granting of county waivers for this project to override existing protective ordinances

SIGNATURE	PRINT NAME	ADDRESS
	PATTI STRON	370 Gaines St, CMB
	Henry Danielson	1218 17th St Los Osos CA 93407
	Judy Seidel	2546 Pineridge Dr. 93428
	Jacalyn Wood	3270 Oakdale Rd Paso Robles 93446
	Jon Wood	3270 Oakdale Rd. Paso Robles, C 93446
	Debbie Small	6485 Santa Rosa Creek Road 93428

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Att: Jonathan Bishop &Dan Carl

Letters from neighbors and residents of Santa Rosa Creek Road

Stolo Winery and Processing Plant Project

All request, that if all possible that the Coastal Commission Meeting on this project be held in
1st- San Luis Obispo
2nd-Santa Maria
3rd Santa Barbara

Thank you, Kirsten Fiscalini
1-805-927-4571

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CENTRAL COAST AREA

THOMAS M. Mc GURRIN
ATTORNEY AT LAW (Inactive)
6410 Santa Rosa Creek Road
Cambria, CA 93428

August 1, 2007

Re : San Luis Obispo File Number DRC 2005-000039; Opposition to Don/Charlene Stolo Winery-Tasting Room, etc.,3770 Santa Rosa Creek Rd., Cambria

Coastal Commission
Central Coast District Office
725 Front Street, Suite 300,
Santa Cruz, CA 95060

Dear Commissioners:

I have lived at the above address for over 22 years, and in Cambria for 27 years. When I purchased these 22 acres I did so based on the agricultural characteristics of the area and its completely rural and quiet character. I am five miles from Main Street, Cambria, and except for driving by Coast Union high school; it is agriculture all the way to my property and surrounding property. I always believed that the winding and narrow nature of the road, with its blind dangerous corners and one way bridge, along with the existent laws, would protect the area from the insane ravages of unreasonable and out of character commercial development. With the above proposed development, I see that I am wrong in assuming that reason, rationality, and law, would prevent such an outlandish proposal!

I just learned from a local newspaper article that this "Mc Mansion" of a proposal was approved by the majority of the Board of Supervisors, and it is now to be heard by this Commission on an appeal. With this letter I want to express my outrage and disbelief at the conscious disregard by the Board, of the law, facts, and reality in its approval of this commercial business plan that properly belongs on Highway 46, not this narrow, winding, dangerous, but beautiful rural country road. I also want to join Land Watch San Luis Obispo County, in all its arguments against the approval of the project.

This proposed commercial endeavor is 3.3 miles from my property line, and by necessity I must pass by this location each time I go to the store, doctor, or other ordinary business endeavor. During these trips I have observed the very essence and character of this area. Not only is it clearly comprised of small functioning family farms, but it is a recommended bikeway, as well as a roadway that sees mothers and fathers with their children walking along it, as well as the local Art group parking their cars on and along the road, and painting the bucolic agricultural scenes. I, as well as others who live here, know of these people and conditions on the roadway and drive very cautiously to prevent any tragic accident.

No drinking visitor to this improper proposed drinking establishment (tasting facility) will know of these impediments to safe driving, much less care about them after a few drinks. This road is not only narrow, but generally has no dividing lines, and has a minimum of eleven (11) curves. Four of these 11 curves are blind curves, just from Main Street to the driveway of this Commercial proposal, a distance of 1.7 miles. From that

point on to my property, over the next 3.3 miles, I count 16 curves, with at least 6 of them blind!

From what little I have been able to learn, the Supervisors, who approved this completely inappropriate commercial proposal, circumvented laws that were enacted for the protection of all citizens of this County; not passed, so they could be illegally waived for the purpose of completely changing the character of an area, by leapfrogging a oversized commercial project, and jamming it into an agricultural area. The law (CZLUO 23.08.042), provides that a tasting room shall be within 1 mile (not 1.7 miles) of an arterial roadway (Main Street). This law was passed to protect rural areas with roads safe for minimal agricultural traffic, but completely unsafe for speedy vehicles and buses that transit commercial areas, which have wide adequate roadways with clear visibility. This rural area is miles from the commercial area in Cambria, where this type of proposed activity is both safe, legally allowed, and should be properly sited.

Santa Rosa Creek Road, commencing at Main Street, Cambria, hits its first narrow, sharp 90 degree turn at Union Coast High School on its way to this proposed development. Before it arrives at that first sharp turn, it passes three driveways into Leffingwell School and the bleachers of the High School. Immediately after the 90 degree turn, and before it reaches the next 90 degree turn, it passes six (6) more driveways into and out of the high school! This is all within a space of .5 mile in a posted school zone. On what rational basis has the county ignored its own laws and rationality in waiving a requirement regarding the safety of our children by creating and allowing the mammoth traffic flow that will be passing nine (9) driveways of this High school, just to drink some alcohol, in an out of the way and out of character location? Students will be entering and exiting, buses will be dropping off students and in turn picking them up. With all of this, there will additionally be cars driven by the numerous parents who need to drop off and pick up their children on a regular basis. There is absolutely no law enforcement out in this area. The Sheriff is busy elsewhere and one is lucky if a Sheriff is available in an hour, after a call is made. How then will there be any constraints on people under the influence driving this dangerous country road, coming around the many blind turns and causing a tragedy that could have been avoided by the county simply following the laws that exist, and not authorizing this uncalled for commercial intrusion into this area.

After passing these nine (9) driveways accessing the school, in a posted 25mph zone, any commercial traffic is then greeted with another 90 degree blind turn, and then another turn, and another, and another. Approaching the proposed development site driveway there is a completely blind turn to the right, where a slight drop off exists to the waterway that parallels the road all along the subject property. The slightest deviation from the roadway (due to a car on the wrong side of the road) can result in a vehicle landing in the waterway. This place poses the most dangerous physical condition, excluding the previously discussed danger to students, during this 1.7 mile from Main Street to the site. If any of the Supervisors, who approved this project, drove this roadway, they would have seen that the site is located .7 of a mile too far from the arterial roadway to be approved under the law (CZLUO 23.08.042). Irrespective of its patent illegality, it is just too dangerous of a stretch of road for such a commercial business to be established! Vehicles coming around the blind turn will be constantly confronted by

vehicles going in and out of the driveway, as well as large diesel vehicles delivering grapes and supplies, and then heading back to town.

The further fact that the proposal will place an alcohol distribution business within .9 mile of a high school, clearly is not conducive to intelligent or safe administration of this States and Counties laws. I am sure if more Cambria parents were made aware of this out of place proposed development that there would be a loud uproar. Now not only has the county countenanced a blatant violation of its own laws, but is now placing a temptation close at hand for the High School Students.

There is a severe water problem in the Santa Rosa Creek watershed, not only for people, but also for the steelhead and other native animals. One well on my property has gone dry on more than two occasions during the summer due to overall water drawdown and lack of precipitation. I am irrigating only about 150 fruit trees and landscaping and watch my water usage carefully. My property is reflected on the Santa Rosa Creek Fishery report attached to the Land Watch appeal, and is reflected at the Curti Creek site. With inadequate water to even supply the community of Cambria from the Santa Rosa Creek aquifer, it seems a bit incredulous that the county has apparently given carte blanche to withdrawal of immense quantities of water by this commercial project. Since when does an illegally sited commercial operation take precedence in its water withdrawal over the local community, the local farmers, and the local fish and animals? The local fish and game, of course, have no personal spokesperson. There does not appear to be any specification as to how much water is available at the site, nor exactly how much will be drawn on a daily basis. Again it seems completely unreasonable to leap frog a commercial development into an agricultural area and allow it to, directly or indirectly, diminish, minimize, and reduce the water usage of the agricultural pursuits, and due to the reduction of surface water, adversely impact the steelhead and local wildlife.

It does not appear that the county even considered Coastal Stream Policy 21, which requires that, a "development adjacent to or within the watershed shall be sited and designed to prevent impacts which would significantly degrade the coastal habitat and shall be compatible with the continuance of such habitat areas. *****" This "Mc Mansion" project plans on processing 10,000 cases of wine, and as a partial result of that, will discharge 1,200 gallons of winery wastewater daily, during the "crush", This project is in the watershed and along side Santa Rosa Creek streambed or waterway. What impact does all this have on the creek, the waterway, and all the adjacent area? What impact results from the simple importation of all the "off location" grapes that will be trucked into the commercial plant by belching diesel trucks from 40, 50, 60 miles away? The miniscule vineyard at this location would be hard-pressed to produce enough grapes to produce 100 cases out of the total 10,000! Isn't the county simply creating a monstrous demon in a bottle, by their approval? The result of this project at the very least will be: immense increase in traffic, large number of under the influence drivers, tremendous increase in local pollution due to countless deliveries and arrivals by trucks, buses, vans, cars and motorcycles, killing of the countless animals and quail that traverse the roadways to access what water may be left in Santa Rosa Creek, accidents, injuries and deaths at the high school and roadway due to increased traffic with inebriated drivers, change from a slow paced agricultural area to a fast paced "drink up" commercial zone, and enough septic and effluent discharge to putrify, clog, and destroy the Creek forever!

The entire project is incompatible with the surroundings, inconsistent with the laws passed to keep commercialization out of agriculture and maintain the Coastal areas in a healthy condition. It is unfair to the residents who want to maintain a CLEAN, slow paced, and healthy way of life. It is also a threat to our children, teachers and parents who will be in the trajectory of anyone traveling to or from the proposed project. I hope no one argues that the drinkers will drive Eastbound out Santa Rosa Creek to Highway 46, because then we will just have more accidents and vehicles falling off the steep roadway before they ever make it to Highway 46.

When someone wants to commercialize a agricultural area they start with a tiny smattering of enough agricultural plants to give it an aroma of agriculture, but the development shows its true colors with the smell of money, indifference to the local character and attributes, and the smell of pollution and degradation.

As I have written this letter I have driven to town on a couple of occasions to make sure I am not being too harsh in my assessment of this project. As I have driven by the proposed project, before I finally finished this letter, I must admit that I had a very disheartening feeling. This feeling resulted not from a feeling that I have been unfair to the project, but rather that the proponents of this outlandish project continue to implement many of the changes to the property that they propose in their plan, acting as though the Coastal Commission will dutifully endorse and rubberstamp the outrageous, improper, and illegal conduct of the Board of Supervisors. The impropriety of the Boards conduct in approving the numerous improper aspects of this proposal would be laughed at as a ludicrous example of the County's myopia regarding its own laws and the laws of California, were it not for the fact that the Board takes itself serious, as does the proponent, who continues blithely on his way to implement his plan before this Commission has even ruled on the Appeal!

Thank you for considering my letter as an expression in support of those who have appealed the county's approval, and in complete opposition to the plan.

Sincerely,

Thomas M. Mc Gurrin

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OCT 1 1 2007
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COASTAL COMMISSION
CENTRAL COAST AREA

To: California Coastal Commission
Re: Proposed Stolo Winery and Tasting room, Santa Rosa Creek Road, Cambria
Appeal # A-3-SLO-07-035

August 4, 2007

Dear Commissioners,

I own a ranch about two miles up the canyon from the proposed Stolo Winery development on Santa Rosa Creek Road. My land is part of a large ranch owned by my family for over a hundred years. We have always seen our role to be caretakers of the land. We were taught to conserve it in its natural condition and pass it on to our children as we received it. The beautiful open coastal hills that tourists and local people enjoy are here today because of the efforts of the old ranching families like mine.

I am sorry if what I have to say here appears to infringe on the Stolo's freedom to fulfill their dreams. But I must explain that what they want to do will hurt me and restrict my freedom to fulfill my own dream which was the goal of my father, my father's father, and his father before him, and is also the goal of my son Matthew today. If this valley falls into the hands of developers, property taxes will rise and we will need to divide and sell some of our own land to try and preserve the rest. Increased tourist traffic on the county road will increase the hazards of operating a cattle ranch here. These are but two of the many threats we would face.

Is the issue here about one zoning variance or is it actually the beginning of the public commercialization of the Santa Rosa Creek Valley? There are at least two more fields planted with wine grapes up Santa Rosa Creek Road. If this tasting room is permitted, it establishes a precedent for other vineyards to demand their right to similar commercial development.

The County and the Coastal Commission have created general Plans for development. In consideration of the overall picture and all the issues like accessibility, watershed preservation, emergency services and so forth, the Plans draw boundaries indicating where commercial development is permitted. The proposed wine facilities are located at a sharp curve in the road where two major runoff streams flow into Santa Rosa Creek. This area of the road floods during winter rains. This is no place for a public wine tasting room (mini-restaurant), and the Plan correctly prohibits such a development there.

Do the Supervisors of San Luis Obispo County and the California Coastal Commissioners really want to take responsibility for encouraging tourists headed for wine-tasting rooms to drive up this narrow, curving road, past the Cambria high school where there are already too many vehicular accidents occurring?

Please deny the application requested by the Stolo Winery. Only a few miles down the road from the Stolo land is the charming town of Cambria, a wonderful location for their tasting room.

Thank you for your consideration,

Joanne M. Warren

Matthew Warren

5660 Santa Rosa Creek Road
Cambria, CA 93428
805-927-5434

Larry Fiscalini
6485 Santa Rosa Creek Road
Cambria, CA 93428
(805) 927-1130

August 28, 2007

California State Coastal Commission

RE: Proposed Stolo Winery and Wine Tasting Facility on Santa Rosa Creek Road
Appeal # A-3-SLO-07-035

Dear Coastal Commissioners:

My name is Larry Fiscalini. I am a resident cattle rancher and farmer of Santa Rosa Creek road for sixty years. I have seen many changes through these years in our small and growing town of Cambria, as well as in my rural lifestyle which I am accustom too. Some changes were for the good, and some for bad judgement.

Many of the local residence of Cambria and Santa Rosa Creek are concerned about the approval of the Winery and Tasting Room Facility proposed by Don and Charlene Stolo.

The proposed Winery Plant and Tasting Facility is located on Santa Rosa Creek Road which is a windy, narrow, rough two lane rural road. In places this road narrows to a single lane road. My biggest complaint, and there are other issues, is the Wine Tasting Facility.

The roadway to and from the Winery and Tasting Facility will go right by Coast Union High School. This High School facilitates a Day Care Center, a Preschool Education Facility, a Continuation School, and Sporting Events sponsored by the school, and Community Events from various clubs and sports enthusiast. Many times at these events there are cars laced alone both sides of the road narrowing the width of the road considerably. These events take place most the time on Fridays through Sunday throughout the year. With that being said, a considerable amount of people who do wine tasting usually do it on the week ends. Many of the events at the High School take place during this time frame. The impact of increased traffic raises safety issues among local residents, school children, joggers and sports enthusiast, visitors, etc..

All these factors increases the possibility of vehicle and pedestrian accidents and even more so when there are impaired drivers coming from a Wine Tasting Facility. This Wine Tasting Facility in my opnion should be located in town where it is zoned commercial, not in rural, agriculture sensitive area zoned for agriculture.

Residents that live and drive on Santa Rosa Creek Road already feel the influx of people driving, running, and bicycling the road which is hazardous enough. By allowing a Wine Tasting Facility to be constructed, I feel that it would have a devastating effect on the safety and quality of life on our road way.

Therefore, I do not support the Wine Tasting Facility.

Sincerely,

Larry Fiscalini

Larry Fiscalini

Appeal # A-3-SLO-07-035

September 5, 2007

Frank Fiscalini
6487 Santa Rosa Creek Road
Cambria, CA 93428

To: California State Coastal Commission:

Many of the local residents of Cambria and Santa Rosa Creek are concerned about the approval for the Winery Plant and Tasting Room plans by Don and Charlene Stolo.

The proposed winery plant and tasting room is located on Santa Rosa Creek Road which is a windy, narrow, rough two lane rural road. In places this road narrows to a single lane road.

This proposal is of great concern to our local residents as it is in very close proximity of Coast Union High School where students walk along Santa Rosa Creek Road, play team sports and athletic activities. The increase of traffic would jeopardizing students, bicyclists, pedestrians, local residents and tourist not familiar with this rural road. This increase in tourist traffic along with local traffic would have a safety impact to this rural road. This concerns me.

Wine tasting rooms should be in a commercial district such as Cambria and not in rural agriculture areas.

Listed below are some points of interest against this proposal:

1. Increase of traffic on a winding rural narrow road
2. Probable alcohol impairment will increase the odds of a vehicle accident
3. Close proximity to Coast Union High School
4. Environmental concerns of pollutants to our agriculture land and creek such as a holding pond used to store excess water from plant and cleanup waste
5. Changing historically rural land to commercial development
6. Set precedence for increase development
7. Not enough grape acreage to support such a large winery facility
8. Location of proposed site is in a historic flood plain
9. Incremental approvals of developments will eventually lead to a larger urban/commercial area

This proposal if passed could set a whole new influx of farm stores, more wineries, restaurants, major production and other office buildings on rural agriculture land. As a planning commission, please be careful of setting a precedence that will ruin our environment, incompatibilities of agriculture and local history.

Santa Rosa Creek Road is not the place for a wine tasting room, wine production facility, winery offices, and all phases of this plan.

As a land owner of Santa Rosa Creek, I am concerned about the implications of this large scale winery, the impacts it will have our area and community.

Sincerely,

Frank Fiscalini

9/6/2007

State Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060
Attention: Jonathon Bishop

Re: Proposed Stolo Winery on Santa Rosa Creek Road in Cambria
Appeal A-3-SLO-07-035

State Coastal Commission Members:

My name is Robert Soto and I have lived all my life (50+ years) on Santa Rosa Creek Road. As you first enter this mountainous country road, a County sign states "**Caution – Narrow Windy Road- Not Advisable for Trucks – Autos with Trailers**". The proposed site for this wine tasting room is 1.6 miles from Main Street making it in **violation** of SLO Counties own Ordinance 23. Why would the County make rules and ordinances regarding the location of wine tasting rooms then arbitrarily grant a waiver and disregard their own ordinance? This ordinance clearly states wine tasting rooms to be less than **1 mile** from an arterial or collector road (Main Street). As SLO County staffer Martha Needer admitted to me, this 1 mile rule was included for public safety. It is also important to remember wine drinkers could exit this facility and drive 14 miles inland (east) over a much worsening and dangerous road.

There are many environmental concerns from operating a wine making facility adjacent to such an unspoiled and pristine stream (Santa Rosa Creek). Also critical are the several school districts which heavily use Santa Rosa Creek road. There are so many activities at the community/ school recreational areas that this will create a serious and potentially hazardous situation for safety. I have often seen both sides of the roadway adjacent to the School clogged with parked cars attending events. Many Coast Union students walk and run up this roadway. This is simply **NOT** an appropriate location for wine tasting!

Although rarely discussed, the proposed special events will negatively effect and overburden all the other residences which must use the only roadway (Santa Rosa Creek Road) into this small canyon. Please consider your vote carefully as there are several other grape growing facilities (further up this same canyon) waiting for your decision.

We don't need a winery on the coast where nearly all the grapes will be imported. The wine factories belong in Paso Robles where they grow the grapes. Do not be dazzled by this 120,000 bottling facility along our beautiful coastal valley! **Uphold this Appeal!**

Respectfully,

Robert Soto

Robert Soto, 6830 Santa Rosa Ck Rd, Cambria

A-3-SLO-07-035

Nancy Taylor
3350 Santa Rosa Creek Road
Cambria CA 93428

Attn Coastal Commission Board

To Whom It May Concern:

I am writing to you today to STRESS my concerns of the Stolo Family Winery Project. Case #A-3-SLO-07-035. I hope you will take the time to consider the impact this facility will have on the generations of families that have been a part of the Rural road for many years.

When I moved to Cambria 19 years ago it was to get away from this sort of thing. Agriculture is the heart of this rural road, NOT COMMERCIAL and it needs to stay that way.

I am also concerned with the increase traffic and intoxicated drivers to follow. I am very close to the proposed facility and will be impacted deeply. Not only with traffic and water issue, but with noise.

I am raising my family, now the 5th generation that will be living here, and want to be able to enjoy the peace and quiet of living in the country.

Please, Please, Please, money for the county is nothing compared to the tragic lose of peace and quiet, health and happiness and the possibility of lives harmed.

Consider the impact not only to the rural road water, but to the town of Cambria as well. This facility use will impact 1000's of Cambria's water residents as well.

Thank you for your time in this manner, I hope my few words and the voices of the others impacted by this will help you make the right decision.

Regards,

Nancy Taylor

Jon and Jaci Wood
3270 Oakdale Rd
Paso Robles, CA 93446
June 1, 2007

Board of Supervisors
San Luis Obispo Co

Dear Board Members:

We are writing with concerns for the proposed wine tasting facility on Santa Rosa Creek Road in Cambria. As a native Cambrian and former residents we often visit family and friends in that area. We were sorry to hear of the proposed wine processing plant and tasting room.

We have a lot of issues with the wineries surrounding our property off of 46 west. From our home we have five tasting rooms and numerous vineyards within a mile. All have been established within the last few years. We and our neighbors have had our well pumps burn up due to the decline in the water table. We are both drawing off the bottom of our wells now, something that has never occurred in the history of our properties. We have stopped irrigating our pasture and no longer plant a garden in order to conserve water.

The traffic created by the tasting rooms really impacts our quite rural setting and we would hate to see that happen on Santa Rosa Creek Road. Wine tasters often stop right in the middle of our country road to try to read their maps and locate tasting rooms. There have been a number of accidents and many near misses as these tasters traverse our country road. We had one accident at the corner of our property one night and the inebriated wine taster (we know this because she told us she had been "wine tasting" at a nearby winery) actually knocked on our door because the driver of the other car took off running into the woods and she didn't know what to do.

We live on hilltop across the road from the nearest tasting room/vineyard and sometimes the noise is not bearable without ear plugs. Even though the wineries are only suppose to have bands play on a few special occasions, there is quite often during the season music playing at one or more of the tasting rooms well after the 10pm allowance. Combine that with the bird canons, screechers, burglar alarms and frost windmill noises that these wineries create; we have lost our peace and quiet.

We are very disappointed that there seems to be no one enforcing the policies these wineries are suppose to be adhering to. It seems as though once a permit is issued they have the freedom to do what ever they wish with no consequences. Please don't ruin the ambiance of Santa Rosa Creek Road by permitting a tasting room and processing plant.

Sincerely,

Jon and Jaci Wood

Jon and Jaci Wood
3270 Oakdale Rd
Paso Robles, CA 93446
June 1, 2007

Board of Supervisors
San Luis Obispo Co

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Sincerely,

Jon and Jaci Wood

Appeal # A-3-SLO-07-035

Re: Stolo Winery

To Who it May Concern:

Being the neighbors and land owners of the proposed winery and commerical processing plant on Santa Rosa Creek Road, we appose this proposal.

This project would have, safety, health and visual impact to the neighbors and people who use this road. This project would provide commercialization to a rural agricultural area.

A E.I.R should be dreafted to allow the public to view the impacts of this proposal. I urge you to vote against this proposal based on county policy as well as good sense and not allow any waivers or verlances.

Thank you,
Mae Rosalie Rhoades, Wade Lee Rhoades, Pamela Alice Rhoades, Justin Rhoades

The Art of Marketing

Pamela Rhoades
P.O. Box 384
Cambria Ca. 93428

B. (888) 799.2092
F. (888) 834.8762
pam@artofmkt.com

Visit our website:
www.artofmkt.com

Janice Fiscalini
PO BOX 755
Cambria CA
93428

8/29/07

Dear Coastal Commissioners.

I am a local resident of Cambria and have family that lives on Santa Rosa Creek road. It is a dangerous road that has joggers and bicyclists all over it. It's sharp turns and single lane makes it a dangerous road.

I think the winery would also be too close to the High School and Day care facility. It would be awful to have a terrible accident on that road because of a winery in the wrong place.

This Land is for agriculture and is not commercial land. Whats next - a movie theatre, mall or mabye another Costco.

I am not in support of the winery on Santa Rosa Creek RD.

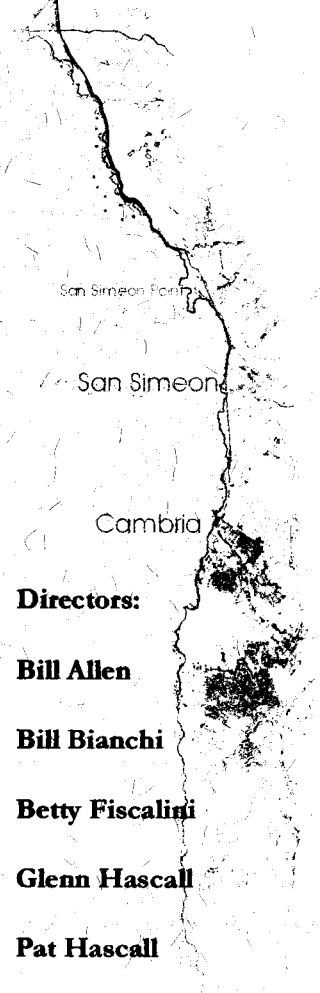
Sincerely
Janice Fiscalini

NORTH COAST ALLIANCE

Post Office Box 762
Cambria, California 93428

Fax (805) 924-0503

Preserving the Heart of the North Coast Since 1997



July 30, 2007

California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA
95060-4508

Att: Steve Monowitz
District Manager

Re: Stolo Winery Appeal
Coastal Development Permit DRC2005-00039

On June 5, 2007, we requested the San Luis Obispo County Board of Supervisors condition its approval of this proposed development on a comprehensive California Environmental Quality Act (EIR), and relocation of the wine tasting element to a retail site in Cambria.

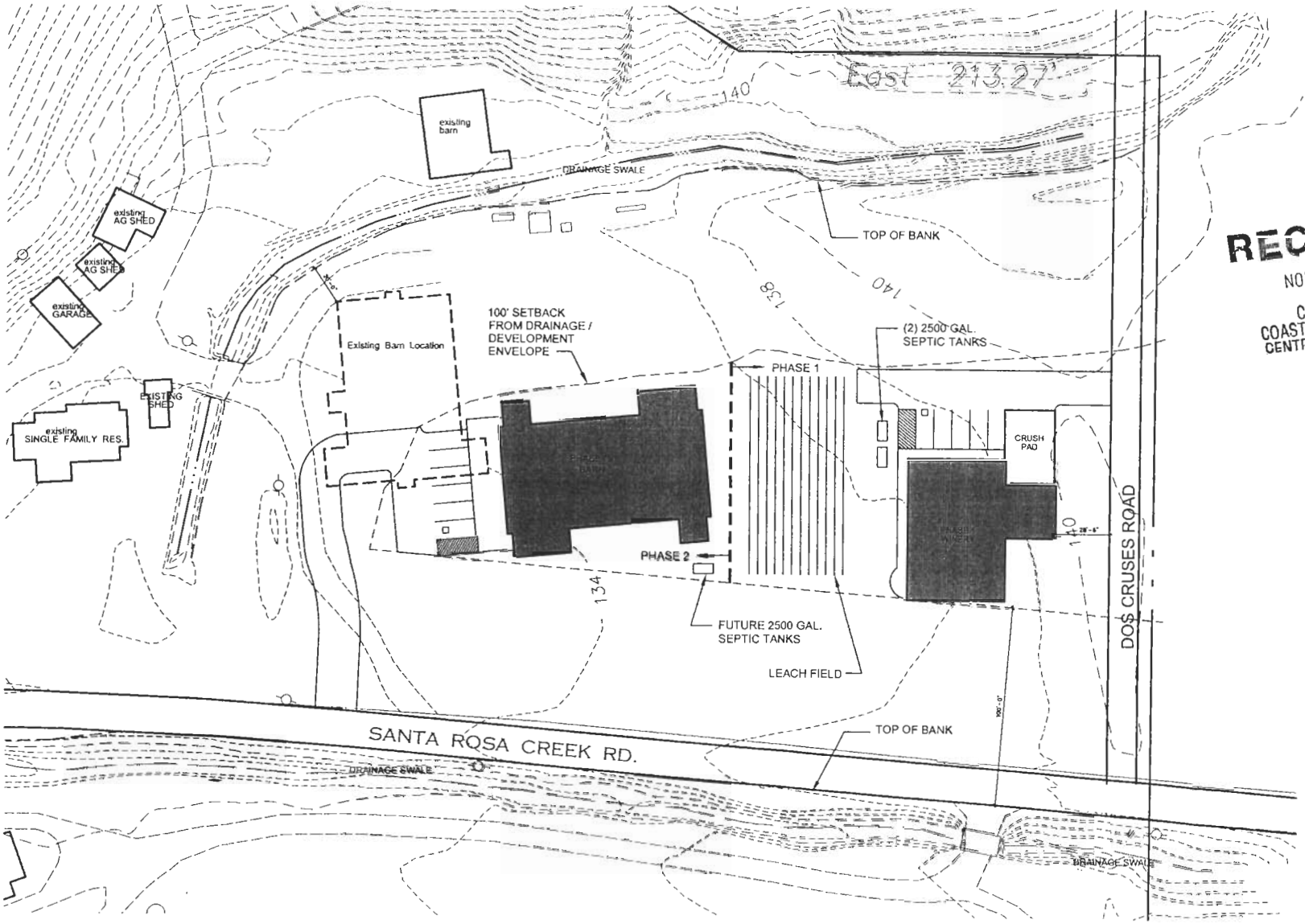
We continue to believe these two requirements will eliminate environmental issues and community concerns regarding the distribution of alcohol in close proximity to Coast Union High School.

Unfortunately, the Board of Supervisors based its approval upon an audio-visual promotion by the wine industry rather than upon a detailed examination of the project's environmental and social impacts.

We hope your review will require the project proponents to complete an EIR and re-locate the wine tasting and sale components away from the winery site.

Thank you for your consideration,

William G. Allen, President
Wayne Ryburn, Chair
North Coast Alliance



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CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA

MW ARCHITECTS, INC

LICENSED ARCHITECT WAYNE R. STUART C-31,427 REN. 12/31/09 STATE OF CALIFORNIA

ARCHITECTS
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WAYNE R. STUART
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225 PRADO ROAD, SUITE G
TEL: (805) 544-4336
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JOB TITLE
STOLO FAMILY WINERY
3770 SANTA ROSA CREEK ROAD
CAMBRIA, CALIF.

SHEET TITLE
COASTAL DEVELOPMENT PERMIT SITE PLAN

JOB NO 03155
DATE 10.21.09
APPL NO XX
SHEET NUMBER DP1
REFERENCE SHEET

COASTAL DEVELOPMENT PERMIT SITE PLAN

0 25' 50' 100'

TRUE N