

**TEMPLETON AREA ADVISORY GROUP (TAAG)
RECOMMENDATION TO THE SLO COUNTY PLANNING COMMISSION
PROJECT NO. DRC2021-00025 CLOS SOLENE
WINERY- CAVE COMPLEX - TASTING ROOM EXPANSION PROJECT**

The Templeton Area Advisory Group (TAAG) considered this project during its publicly notice regularly monthly scheduled January 18, 2024 Board meeting as Agenda item No. 7.2. TAAG recommendations that follow are being submitted to the SLO County Planning Commission for consideration of this project's Conditional Use Permit approval hearing scheduled for February 8, 2024.

The following Board members attended the January 18, 2024 TAAG Board meeting:

Scott Shirley – TAAG Chair
Murray Powell – TAAG Vice Chair
Bruce Jones – TAAG Delegate
Scott Silvera – TAAG Delegate
Jerry Jones – TAAG Delegate
Fred Russell – TAAG Delegate
John Donovan – TAAG Delegate
Jennifer Jones – 1st Alternate (Not voting)

The TAAG Board voted unanimously 7–0–0 to recommend that this proposed Clos Solene Adelaida area Winery – Cave Complex – Tasting Room Expansion project BE DENIED based on the five issues described below.

Project Description

This project application is a request by Solene Vineyard LLC for a Conditional Use Permit (DRC:2021-00025) to allow the phased expansion development of an existing winery -- tasting room. The project site is located within the Agriculture (AG) land use category in the SLO North County Templeton-Paso Robles Adelaida area at 2040 Niderer Road. The proposed expansion consists of a new 27,248-square-foot winery facility, including a 19,101-square-foot underground wine cave system with a 3,505-square-foot exterior covered work area, a 4,642-square-foot administration building and a new tasting room facility comprised of 3,117 square feet of interior space and 1,525 square feet of exterior space.

The project includes a request for modifications (reductions) of the County of San Luis Obispo Land Use Ordinance (LUO) Section 22.30.070.D.2.d(1) setback standards that require 200-foot setbacks from each project site property line to be reduced from 200 feet to 34 feet from the northern property line to allow for the proposed underground wine cave system design and reduced from 200 feet to 41 feet from the southern property line for the locations of the proposed new administration building and new tasting room facilities. The proposed project also fails to comply with SLO County Title 22 Section 22.30.070 d.2.a that states "The principal access driveway to a winery with public tours, tasting, retail sales or special events held in compliance with subsection D.2.i. is to be located on or within one (1) mile of an arterial or collector. The nearest collector road is Highway 46 West located 2-1/2 miles from the project site.

**BASIS FOR TAAG BOARD RECOMMENDATION TO DENY APPROVAL OF THE PROJECT'S
CONDITIONAL USE PERMIT APPLICATION**

1. THE APPLICANTS REQUEST A REDUCTION OF SLO COUNTY'S LAND USE ORDINANCE SECTION 22.30.070 D.2.d (1) STANDARD MINIMUM 200-FOOT PROPERTY LINE SETBACK DISTANCES OF THE PROPOSED NEW WINERY FACILITY, THE TASTING ROOM AND OTHER NEW FACILITIES FROM 200 FEET TO PROPERTY LINE SETBACK DISTANCES WITHIN 35 FEET OF THE NORTHERN PROPERTY LINE AND 42 FEET OF THE SOUTHERN PROPERTY LINE.

There are three concerns that form the Board's basis for this setback modification issue.

1. The project site is a long narrow rectangular parcel. The distance between the northern and southern property lines is 450 feet. Compliance with this Ordinance Section's 22.30.070 D.2 STANDARD 200 FOOT SETBACK DISTANCES FROM ALL PROPERTY LINES would only leave a 50 foot wide area to locate the proposed expanded winery, tasting and cave-complex facilities through the middle of the project site. Obviously, the size of the proposed expansion project is not designed to be reasonably established on this narrow 26-acre parcel site.
2. The reduction of the project site's northern and southern setback distances from 200 feet to 34 and 41 feet raises concerns regarding the Winery's Processing and the Tasting Room's noise impacts on neighboring properties. See item 4. below.
3. The 34 and 41 foot property line setbacks do not comply with Cal Fire's requirement that at least 100 feet of defensible space be provided around all structures.

2. THE APPLICANTS REQUEST TO OVERRIDE SLO COUNTY LAND USE ORDINANCE SECTION 22.30.070 D.2.A. - ACCESS LOCATION THAT REQUIRES "THE PRINCIPAL ACCESS DRIVEWAY TO THE PROPERTY WITH PUBLIC TOURS, TASTING, RETAIL SALES OR SPECIAL EVENTS HELD IN COMPLIANCE WITH SUBSECTION D.2.I. IS TO BE LOCATED ON OR WITHIN ONE MILE OF AN ARTERIAL OR COLLECTOR. THE NEAREST COLLECTOR ROAD IS HIGHWAY 46 WEST LOCATED APPROXIMATELY 2-1/2 MILES AWAY. THE PROJECT PROPOSES TO CONDUCT TOURS, TASTING ROOM EVENTS, ACTIVITIES AND RETAIL SALES.

SLO County Planning has mistakenly determined that a 1999 Land Use permit approval of a former Winery known as Pipestone located on this project site was granted a "waiver" of the maximum one (1) mile distance from the winery's driveway entrance to the nearest designated arterial or collector road required by existing SLO County Ordinance Section 22.30.070 D.2.a. applies to this proposed major Winery-Cave Complex-Tasting Room expansion on the very narrow rectangular project site. No basis exists for granting a 25 year old waiver to this project. The February 8, 2024 Planning Commission's agenda hearing Planning Department's Staff Report recommending approval of the project's application makes the following comments, in part, on the Report's page 9 of 12:

'Exceptions to special use standards. Section 22.30.020(D) states that the standards of this Chapter may be waived or modified through Conditional Use Permit approval. . .' This Ordinance section is identified as "Applicability of Standards for Special Uses". There is no indication in the Staff Report or other Agenda Hearing Documents indicating what "Special Use" is being referred to related to the project's operations and design. Title 22 fails to define "Special Uses" that are allowed to be considered with this Ordinance Section.

The Staff report continues to comment that *"Waiver of modification of standards shall be granted 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; and (3) identify the project, including the proposed modifications to the standards of this Chapter, will satisfy all mandatory findings required for Conditional Use Permit approval by Section 22.62.060.C.4."* The Staff Report and other hearing documents DO NOT disclose the information required by (1) and (2) above that would allow the Commission to make findings that allow for the granting of this waiver.

The staff Report then makes the following comments: "The standard (the one mile standard) is ineffective because the Adelaida Area Plan *encourages properties in the Vineyard Drive and Willow Creek Road area to remain in agricultural use by the intensification of agricultural uses (i.e., through winery development) and identifies that agricultural specialties, such as wineries, are appropriate to complement the existing pattern of agricultural use and are essential to the Adelaida Sub Area and the County as a whole.*" After an extensive website search of a 539 page SLO County Area Plans report, these comments were found on pages 118 and 119 of 539. The report disclosed that these comments were last adopted or updated in August 1990. **More than 34 years ago.** See page 63 of 530 - Table 1-1. Obviously, the development of the general Niderer Road Adelaida areas has greatly expanded the density of agricultural uses (vineyards, orchards), residences, B&B's, Vacation Rentals and substantial increases in Tasting Room visitors during the past 34 years. The proposed carryforward of a 1999 waiver granted on a winery -tasting room project that was approximately 10% of the size of this proposed project is unreasonable and not allowed by current SLO County Land Use Permit Ordinances.

3. THE BOARD RECOMMENDED DENIAL OF THE PROJECT BASED ON THE DESIGN AND POORLY MAINTAINED CONDITION OF NIDERER ROAD THAT ENDANGERS PUBLIC SAFETY AND WELFARE IN THE EVENT OF SERIOUS EMERGENCY EVENTS SUCH AS FIRE.

Various public speakers spoke during TAAG's publicly noticed meetings concerning the condition of Niderer Road that could prohibit the rapid and orderly evacuation of the Niderer Road area by area property owners, residents, the project's winery customers and employees, employees of other neighboring vineyard properties, and short term occupants of B&B's and Vacation Rental homes located along Niderer Road. Niderer is a one (1) or so mile long dead-end road with only a single ingress and egress point that could hinder or delay evacuations and delay or prevent fire equipment and other emergency services and vehicles unrestricted access to Niderer Road. As noted in the MND, *"The typical roadway section for County roadways with less than 400 Average Daily Traffic (ADT) is described in Standard Detail A-1b. The A-1b roadway standard notes two 10-foot travel lanes and 3-foot graded shoulders. The current roadway section on Niderer Road varies from a minimum of 14 feet in width to 18 feet in width."* Road widening is required for Niderer Road to meet County standards before further development is allowed.

4. THE BOARD RECOMMENDED DENIAL OF THE PROJECT BASED ON SLO COUNTY'S INABILITY TO ENFORCE, OR ASSESS COMPLIANCE WITH, NOISE ORDINANCE SECTION 22.10.120, WHICH MAY BE VIOLATED DUE TO WINERY PROCESSING OPERATIONS AND TASTING ROOM ACTIVITIES RESULTING FROM THE REDUCTION OF COUNTY MINIMUM STANDARD 200 FOOT SETBACK DISTANCES TO WITHIN 35 - 42 FEET FROM THE PROJECT'S PROPERTY LINES AS DISCUSSED IN ITEM 1. ABOVE.

TAAG has been advised that the existing Winery Ordinance Section 22.30.070 D.2.d (1)'s was amended several years ago to increase a minimum 100 foot setback property line distance to 200 feet for Tasting Rooms due to noise violations experienced by neighboring properties in the County. An adjacent property owner disclosed, during TAAG meeting public comment, occasional noise generated by the existing Clos Solene's much smaller winery – tasting operations that interferes with the enjoyment of their property and their home.

TAAG is also advised by SLO County Code Enforcement and by the Sheriff's Department that these agencies are not equipped with the "Noise measurement sound level meters" required to determine and issue noise violations in accordance with the SLO County Sound Ordinance. County Ordinance 22.10.120 E.1. - Use of meter requires that *"Any noise measurement in compliance with this Section shall be made with a sound level meter using the A-weighted network (scale). Calibration of the measurement equipment utilizing an acoustical calibrator shall be performed immediately prior to recording any noise data. the with required in accordance with network (scale). Calibration of the*

measurement equipment utilizing an acoustical calibrator shall be performed immediately prior to recording any noise data.” Without a sound meter, SLO County Noise Code violations are unenforceable.

5. APPROVAL OF THIS PROJECT WILL SET PRECEDENTS SUPPORTING REQUESTED FUTURE PROJECT VARIANCES, MODIFICATIONS AND WAIVERS OF EXISTING ESTABLISHED STANDARD LAND USE PERMIT ORDINANCE, POLICY AND GUIDELINE PROVISIONS.

The Board expressed concerns that SLO County’s prevalent practice of approving Land Use Permit applications with significant unsubstantiated, unreasonable variances, modifications and waivers of standard County Land Use Permit Ordinance provisions will result in Land Use Permit Conditions of Approval that are inconsistent from project to project and will adversely impact general public health, safety and welfare of our residents and our communities.

TAAG will appreciate that this TAAG Board Recommendation Report is posted as a separate hearing agenda item attachment, clearly identified as the Templeton Area Advisory Group’s (TAAG) Recommendations. Please contact us if you have any questions or comments.

Respectfully submitted,
Scott Shirley
TAAG Chair