

Date: October 26, 2023

**DEVELOPER'S STATEMENT & MITIGATION MONITORING/REPORTING PROGRAM
CLOS SOLENE WINERY EXPANSION / CONDITIONAL USE PERMIT DRC2021-00025/ED22-132**

Project Description:

A request by Solene Vineyard LLC for a Conditional Use Permit (DRC2021-00025) to allow the phased development of a 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 and a 4,642-square-foot administration building and tasting room with 3,117 square feet of interior space and 1,525 square feet of exterior space. The winery would increase the annual case production from 5,000 cases per year to a maximum of 10,000 cases per year. The project proposes to restrict wine tasting room visitation to "by appointment only" seven days a week, in comparison to the winery's existing operations that are only limited to "by appointment only" on Tuesday and Wednesday (D980195D Condition 11.J). No special events are requested; however, the winery will continue to participate in Industry Wide Events and non-advertised wine club and marketing activities (allowed per 22.30.070D.2.i: e.g. non-advertised wine club activities, wine club pick up parties, and activities with under 50 attendees). The project includes a request for a modification of the County of San Luis Obispo Land Use Ordinance (LUO) Section 22.30.070.D.2.d(1) setback standards that require a 200-foot setback from each property line to allow the underground wine cave system to be set back 34 feet and 5 inches from the northern property line and the administration building and tasting room to be set back a minimum of 41 feet and 4 inches from the southern property line. The project would result in approximately 2.6 acres of ground disturbance on a 26.69-acre parcel including 14,900 cubic yards of cut and 12,200 cubic yards of fill, to be balanced on-site (difference accounts for 15% soil shrinkage). The project site is within the Agriculture land use category and is located at 2040 Niderer Road, approximately 4 miles west of the city of Paso Robles in the Adelaida subarea of the North County Planning Area.

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

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

<p>Note: The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.</p>
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Air Quality

AQ-1 Diesel Idling Restrictions. During all construction activities and use of diesel vehicles, the applicant shall implement the following idling control techniques:

1. Idling Restrictions Near Sensitive Receptors for Both On- and Off-Road Equipment.
 - a. Staging and queuing areas shall be located at the greatest distance feasible from sensitive receptor locations;
 - b. Diesel idling when equipment is not in use shall not be permitted;
 - c. Use of alternative fueled equipment shall be used whenever possible; and
 - d. Signs that specify the no-idling requirements shall be posted and enforced at the construction site.
2. California Diesel Idling Regulations. On-road diesel vehicles shall comply with 13 California Code of Regulations 2485. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California- and non-California-based vehicles. In general, the regulation specifies that drivers of said vehicles:
 - a. Shall not idle the vehicle's primary diesel engine when vehicle is not in use, except as noted in Subsection (d) of the regulation; and
 - b. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 100 feet of a restricted area, except as noted in Subsection (d) of the regulation.

Signs must be posted in the designated queuing areas and job sites to remind drivers of the no-idling requirement. The specific requirements and exceptions in the regulation can be reviewed at the following website: www.arb.ca.gov/msprog/truck-idling/2485.pdf.

AQ-2 Fugitive Dust Control Measures. During all construction and ground-disturbing activities, the applicant shall implement the following particulate matter control measures and detail each measure on the project grading and building plans:

1. Reduce the amount of disturbed area where possible.
2. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the San Luis Obispo County Air Pollution Control District's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour (mph). Reclaimed (non-potable) water should be used whenever possible.
3. All dirt stockpile areas (if any) shall be sprayed daily and covered with tarps or other dust barriers, as needed.

4. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible, following completion of any soil-disturbing activities.
5. Exposed grounds that are planned to be reworked at dates greater than 1 month after initial grading shall be sown with a fast-germinating, non-invasive, grass seed and watered until vegetation is established.
6. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the San Luis Obispo County Air Pollution Control District.
7. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
8. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
9. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code (CVC) Section 23114.
10. "Track out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in CVC Section 23113 and California Water Code (CWC) Section 13304. To prevent track out, designate access points and require all employees, subcontractors, and others to use them. Install and operate a "track-out prevention device" where vehicles enter and exit unpaved roads onto paved streets. The track-out prevention device can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked-out soils, the track-out prevention device may need to be modified.
11. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible.
12. All required PM10 mitigation measures should be shown on grading and building plans.
13. The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the Mitigation Measures as necessary to minimize dust complaints and reduce visible emissions below the San Luis Obispo County Air Pollution Control District's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name

and telephone number of such persons shall be provided to the San Luis Obispo County Air Pollution Control District Compliance Division prior to the start of any grading, earthwork, or demolition.

Monitoring: AQ 1- AQ-2. Compliance will be verified by the County Department of Planning and Building in consultation with SLO CO Air Pollution Control District.

Biological Resources

BIO-1 Nesting Bird Surveys. Prior to initiation of any site preparation/construction activities, if work is planned to occur between February 1 and September 15, a County of San Luis Obispo-qualified biologist shall survey the area for nesting birds within 1 week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active, as detailed below.

1. A 50-foot exclusion zone shall be established around non-listed, passerine species, and a 250-foot exclusion zone shall be established for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all exterior construction activities have been terminated for the current phase of work (e.g., if Phase 1 improvements are completed, exclusion zones may be removed until initiation of site preparation for Phase 2 begins), or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
2. If special-status avian species are identified and nesting within the work area, no work shall begin until an appropriate exclusion zone is determined in consultation with the County of San Luis Obispo and any relevant resource agencies.

The results of the survey shall be provided to the County of San Luis Obispo Planning and Building Department prior to commencement of initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include **recommendations** for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

If 2 weeks lapse between different phases of project activities (e.g., vegetation trimming, the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated, and a separate survey report shall be prepared and submitted to the County of San Luis Obispo Planning and Building Department.

BIO-2 Agency Permits. Prior to project initiation, all applicable agency permits with jurisdiction over the project area (e.g., California Department of Fish and Wildlife Lake and Streambed Alteration Agreement and Regional Water Quality Control Board Section 401) shall be obtained, as necessary. Any additional measures required by these agencies shall be implemented as necessary throughout the project. As part of these permitting processes, the Applicant shall be required to demonstrate that the proposed project has been designed and measures will be implemented in a manner that avoids and minimizes **impacts** on aquatic resources and meets the permitting agencies' expectations. Permits and/or authorizations shall be submitted to the County prior to any construction activities that occur within and near the mapped blue-line creek.

BIO-3 Best Management Practices. The following Best Management Practices shall be installed prior to the start of construction to protect the blue-line creek and project boundaries (i.e., areas above steep cliffs) from water quality, runoff, and erosion/sedimentation concerns during project implementation: straw wattles, exclusion fencing, gravel bags, and silt fencing. Additionally, all equipment and vehicles shall be checked and maintained daily to prevent spills of fuel, oil, and other hazardous materials and a designated staging area shall be established for vehicle/equipment parking and storage of fuel, lubricants, and solvents. The staging area shall be located a minimum of 50 feet from the blue-line creek, and all fueling and maintenance activities shall take place in the staging area. Erosion and sediment controls shall be installed properly and shall be maintained regularly throughout construction to increase effectiveness. Other Best Management Practices shall also be implemented as necessary and/or as required by project permits, such as avoiding washing, refueling, and maintenance of equipment within 50 feet (unless otherwise noted in project-specific permits) from the blue-line creek, regardless if water is present or absent in the channel.

Monitoring: BIO-1 thru BIO-3. Compliance will be verified by the County Department of Planning and Building, in consultation with the Environmental Coordinator.

Cultural Resources

CR-1 Cultural Resources Monitoring Plan Prior to issuance of grading permits, the Applicant shall retain a County of San Luis Obispo-approved archaeologist to prepare a Cultural Resource Monitoring Plan, which requires monitoring of all earth-disturbing activities in areas identified as potentially sensitive for cultural resources, per the approved Plan. The Applicant shall retain a County of San Luis Obispo-approved archaeologist monitor to conduct monitoring as specified in the Cultural Resource Monitoring Plan. The Cultural Resource Monitoring Plan shall include the following at a minimum:

1. List of personnel involved in the monitoring activities
2. Inclusion of involvement of the Native American community

3. Description of how the monitoring and reporting shall occur, including the frequency of monitoring (e.g., full-time, part time, spot checking) and define specific conditions in which monitoring of earthwork activities could be reduced and/or depth criteria established to trigger monitoring.
4. Description of what resources may be expected to be encountered (and identifying areas of moderate to high potential for buried resources)
5. For construction work identified to occur in moderate to high sensitivity areas, define preconstruction testing or monitoring to be done and the process that will be followed should buried resources be encountered (the following priority should be included in process: try first to avoid resource, then minimize impact to resource, and lastly mitigate the impacted resource). This process shall identify triggers or thresholds for when work would stop and a Phase III (data recovery) program is needed before work proceeds.
6. Description of circumstances for halting work on-site and procedures to be followed for such events. This shall include County of San Luis Obispo and applicant responsibilities and how remedial work is expected to be handled.
7. Inclusion of a construction worker crew education component. At a minimum, this component will address the following:
 - a. Establish a worker protocol to address unanticipated finds.
 - b. Provide cultural resources awareness training to all field crews and field supervisors to include a description of the types of resources that may be found in the project area, the protocols to be used in the event of an unanticipated discovery, the importance of cultural resources to the Native American community, and the laws protecting significant archaeological and historical sites.
 - c. If not clearly shown on all applicable construction drawings (and marked in the field), generate a "field supervisor" graphic that shows those areas sensitive to potential buried resources.

Monitoring: Compliance will be verified by the County Department of Planning and Building, in consultation with the Environmental Coordinator.

Geology and Soils

GEO-1 Paleontological Monitoring and Treatment Plan. Prior to any ground-disturbing activities, the Applicant shall retain a County of San Luis Obispo-approved paleontologist to prepare a Paleontological Monitoring and Treatment Plan and submit the Paleontological Monitoring and Treatment Plan to the County of San Luis Obispo for review and approval. The Paleontological Monitoring and Treatment Plan shall be based on the Society of Vertebrate Paleontology guidelines and meet all regulatory requirements. The County of San Luis Obispo-approved paleontologist shall: a) have a master's or doctoral degree in paleontology, b) shall have knowledge of the local paleontology, and c) shall be familiar with

paleontological procedures and techniques. The Paleontological Monitoring and Treatment Plan shall:

1. identify construction impact areas of moderate to high sensitivity for encountering potential paleontological resources and the shallowest depths at which those resources may be encountered;
2. detail the criteria to be used to determine whether an encountered resource is significant and if it should be avoided or recovered for its data potential;
3. detail methods of recovery, preparation and analysis of specimens, final curation of specimens at a federally accredited repository, data analysis, and reporting;
4. outline a coordination strategy to ensure that a County-approved paleontological monitor will conduct full-time monitoring of all grading activities in the "deeper" sediments determined to have a moderate to high sensitivity. For sediments of low or undetermined sensitivity, the Plan shall determine what level of monitoring is necessary. Sediments with no sensitivity will not require paleontological monitoring.
5. define specific conditions in which monitoring of earthwork activities could be reduced and/or depth criteria established to trigger monitoring. These factors shall be defined by the project paleontological resource specialist, following examination of sufficient, representative excavations.

GEO-2 Paleontology Construction Monitoring. Prior to approval of tract improvement plans and any ground-disturbing activities, based on the Mitigation Measure GEO-1 (Paleontological Monitoring and Treatment Plan), the Applicant shall retain a County of San Luis Obispo-approved paleontological monitor to conduct monitoring as specified in the approved Paleontological Monitoring and Treatment Plan. This shall include monitoring during rough grading and trenching in areas determined to have moderate to high paleontological sensitivity and areas which have the potential to be shallow enough to be adversely affected by such earthwork. Sediments of low, marginal undetermined sensitivity shall be monitored by a County of San Luis Obispo-approved paleontological monitor on a part-time basis as determined in the Paleontological Monitoring and Treatment Plan.

The qualified monitor shall verify they have a bachelor's degree in Geology or Paleontology and a minimum of 1 year of paleontological monitoring experience in local or similar sediments. Construction activities shall be diverted when data recovery of **significant** fossils is warranted, as determined in the Paleontological Monitoring and Treatment Plan. Compliance/monitoring shall adhere to and be consistent with the Paleontological Monitoring and Treatment Plan.

GEO-3 Resource Discovery. During ground-disturbing activities, if any paleontological resources are encountered, activities in the immediate area of the find shall be halted and the discovery assessed in accordance with the approved Paleontological Monitoring and Treatment Plan. A qualified paleontologist shall be retained to evaluate the discovery and recommend appropriate treatment options pursuant to guidelines developed by the Society of Vertebrate Paleontology. A paleontological resource impact mitigation program for treatment of the resources shall be developed and implemented if paleontological

resources are encountered. If deemed significant, the paleontological resource(s) shall be salvaged and deposited in an accredited and permanent scientific institution where they will be properly curated and preserved.

Monitoring: (Geology and Soils Measures GEO 1-3) Compliance will be verified by the County Department of Planning and Building.

Noise

N-1 Wine Production Noise Reduction Measures. To reduce sound levels at property line location at N2, N3, NW1, and S2, as identified in the Acoustical Noise Study prepared by 45 dB, LLC, one or more of the following measures shall be implemented during wine production activities:

1. Noise screens at least 6 feet in height shall be placed around the crush pad if the processing equipment is operated outside (approximately 6 dB noise reduction)
2. For at least 60% of the days in which the processing equipment is operating, restrict operation to the interior of the wine cave with the doors closed (approximately 10 to 20 dB noise reduction)
3. Replace the destemmer with a quieter model selected by the applicant/owner (approximately 1 dB noise reduction)
4. When the equipment is operated inside the wine caves, add acoustically absorptive panels to the cave walls (approximately 1 dB noise reduction)


Monitoring: Compliance will be verified by the County Department of Planning and Building.

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

Signature of Owner(s)

Name (Print)

Date

 Corlaune Fabre 11/02/23