

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

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION AND
CONDITIONALLY APPROVING THE APPLICATION OF RICK QUINN
FOR CONDITIONAL USE PERMIT DRC2004-00276

The following resolution is hereby offered and read:

WHEREAS, on March 29, 2012, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the "Planning Commission") duly considered and disapproved the application by Rick Quinn for Conditional Use Permit DRC2004-00276; and

WHEREAS, Rick Quinn has 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 22 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on February 5, 2013, and determination and decision was made on February 5, 2013; 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 appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and determined that the appeal should be denied and the decision of the Planning Commission should be affirmed subject to 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 herein above 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 mitigated 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 mitigated negative declaration together with all comments received during the public review process prior to approving the project.
5. That the appeal filed by Rick Quinn is hereby denied and the decision of the Planning Commission is affirmed, and that the application of Rick Quinn for Conditional Use Permit DRC2004-00276 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.

Attachment 2

Upon motion of Supervisor _____, seconded by
Supervisor _____, and on the following roll call vote, to

wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

(SEAL)

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: 
Deputy County Counsel

Dated: January 23, 2013

Attachment 2

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

I, _____, 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 day of _____, 20____.

County Clerk and Ex-Officio Clerk of the Board
of Supervisors

(SEAL)

By: _____
Deputy Clerk.

**FINDINGS - EXHIBIT A
DRC2004-00276 / QUINN**

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, found 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 was 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.) was issued on February 9, 2012, and is hereby adopted for this project. Mitigation measures are proposed to address: Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural, Geology and Soils, Hazardous, Noise, Public Services/Utilities, Transportation, Wastewater and Water and are included as conditions of approval.

Conditional Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the winery and tasting room expansion and special events, as conditioned are consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 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 winery and tasting room and special events do 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 winery and tasting room expansion and proposed special events are similar to other winery uses within the area, 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 Vineyard Drive, a collector road constructed to a level able to handle any additional traffic associated with the project.

Winery Adjustments

- G. A modification of the required 200 foot setback to allow a 100 foot north side setback for the Phase I barrel storage addition, a 170 foot north side setback for the Phase III case goods storage building a 100 foot north side setback for Phase III crush pad and the garden pavilion (amphitheater) is justified because the property fronts on Vineyard Drive, a designated collector road.

**EXHIBIT B - CONDITIONS OF APPROVAL
DRC2004-00276 / QUINN**

Approved Development

1. This approval authorizes a three phased expansion of an existing 9,735 square foot (sf) winery. The proposed expansion total is approximately 60,000 sf of wine processing, wine storage and tasting/visitor use areas and will include the following:

Phase I:

- a. 12,585 sf barrel storage addition to existing winery
- b. 730 sf tasting room, support kitchen and administrative area addition to existing tasting room
- c. 1,532 sf tasting room terrace
- d. Special Events are limited to 25 days per year with 20 limited to 150 attendees and 5 limited to 250 attendees.
- e. All events including special, wine industry-wide, and unadvertised are limited to 150 attendees at the upper Phase II site.
- f. Events are limited to one event per day on the site.
- g. Development of Option 2. Secondary access which includes extending the existing agricultural road along the northern property line to create a second access off of Vineyard Drive.
- h. Increase of case production to 75,000 cases.
- i. Outdoor amplified music between the hours of 10:00 am and 5:00 pm.

Phase II:

- a. 12,777 sf two story tasting and barrel storage building at the upper site.
- b. 4,656 sf of outdoor tasting patio area
- c. Conversion of the existing 3,550 sf tasting room (lower site) and terrace into administrative uses
- d. Development of 100 seat amphitheater

Phase III:

- a. 10,287 sf addition of case goods storage to the existing winery (lower site)

2. Approval includes a setback modification of the 200 foot setback requirements to allow a 100 foot north side setback for the Phase I barrel storage addition, a 170 foot north side setback for the Phase II amphitheater, a 170 foot north side setback for the Phase III case good storage building and a 100 foot north side setback for the Phase III crush pad.

3. This approval does not authorize a limited food service facility (restaurant). The use of the commercial kitchen is limited to food preparation during events and food pairings offered at the tasting room. Food pairing is defined as a list of pre-selected small portion food items paired with a specific wine. Food cannot be purchased separately.

Conditions to be completed at the time of application for construction permits or prior to issuance of construction permits

Site Development

4. At the time of application for construction permits for Phase I, submit a revised site plan to the Department of Planning and Building for review and approval. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:
 - a. Provide 26 parking spaces.

Aesthetics

5. V-1 Upon application for construction permits for Phase II, the applicant shall submit a landscape plan to the County Department of Planning and Building for review and approval. The plans shall be developed and signed by a licensed landscape architect and shall show screen planting to include trees and shrubs for the purpose of screening the structures as seen from Vineyard Drive. Trees and shrubs within the screen planting area shall be maintained in perpetuity. Trees and shrubs within the screen planting area that die shall be replaced.
6. V-2 Prior to issuance of construction permits for Phase II, the applicant shall submit a bond to the County of San Luis Obispo for an amount determined by the County to be sufficient to cover the estimated cost of planting and establishing the equivalent of the total number of trees and shrubs described in landscaping mitigation measures. The bond shall be held for a minimum of five years to ensure the successful establishment and maintenance of the mitigation planting.
7. V-4 Prior to issuance of building permits for Phase II, the applicant shall submit architectural elevations to the County Department of Planning and Building for review and approval. The elevations shall show exterior finish materials and colors, as follows:
 - a. Exterior wall colors shall be limited to dark muted earth-tones. Exterior colors shall be no brighter than 6 in chroma and value on the Munsell Color Scale on file in the County Department of Planning and Building.
 - b. Roof colors shall be limited to deep earth tones, dark muted greens, browns and grays and no brighter than 6 in chroma and value on the Munsell Color Scale on file in the County Department of Planning and Building. Reds and orange hues shall not be used. If natural copper roofing is utilized, it shall be pre-patinaed in dark brown/

Attachment 2

green hues prior to installation. Samples shall be provided to County Planning for review and approval.

8. V-5 Upon application for construction permits, the applicant shall submit a unified signage plan that defines consistent and harmonious architectural and siting standards throughout the development. The form, color and materials of sign structures should complement the architectural style of the development and reinforce the "rural-type" character of the Vineyard Drive corridor. All signage shall comply with Section 22.20 of the Ordinance.

9. V-6 Prior to issuance of building permits for all Phases, the applicant shall submit an exterior lighting plan for review and approval by the Department of Planning and Building which includes the following:
 - a. Direct views of all exterior lighting sources shall be shielded from view from Vineyard Drive.
 - b. Exterior lighting shall be designed to not focus illumination onto exterior walls nor the hillside or oak woodland areas adjacent to the buildings.
 - c. Any security lighting installed on the property shall be equipped with motion detectors to prevent the illumination from remaining on.
 - d. If access road lighting is proposed, the luminaires shall be a shielded "bollard-type" and shall be a maximum of 3 feet above the ground.

Agricultural Resources

10. AG-1 Prior to issuance of construction permits, the applicant shall note on construction plans and prior to final provide evidence from the Agriculture Department that the following measures have been completed:
 - a. Preclude lawn/turf areas associated with the winery, minimize or avoid irrigated landscaping, and require all landscaped areas to be drip irrigated. This measure minimizes non-agricultural water use and helps to protect groundwater resources for agricultural production.
 - b. Incorporate best management practices for water conservation purposes throughout winery facility.
 - c. Maximize the use of pervious and semi-pervious areas in order to promote groundwater recharge, minimize erosion and sedimentation and protect farmland for agricultural use.

Air Quality

11. AQ-1 Prior to construction permit issuance, in order to reduce greenhouse gas (GHG) emissions, the applicant has agreed to implement identified measures from the California Air Pollution Control Officer Association's (CAPCOA) January 2008 published document entitled "CEQA and Climate Change" or from other proven GHG measures for construction. The project shall incorporate measures into the project and shall show on all applicable plans. The document is available online at:

www.capcoa.org/wpcontent/uploads/downloads/2010/05/CAPCOA-White-Paper.pdf.

12. AQ-2 Prior to issuance of grading permit, the applicant shall contact the APCD and submit a geologic evaluation is conducted to determine if Naturally Occurring Asbestos (NOA), is present with the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District. If NOA is found at the site the applicant must comply with all the requirements outlined in the Asbestos ATCM.
13. AQ-5 Prior to final inspection for Phase I expansion, submit evidence of APCD permit for expanded production from 50,000 to 75,000 case per year production.
14. AQ-6 Upon application for construction permits for the wastewater treatment system and wine processing facility, 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.
 - a. New wineries or expanding wineries with the capacity of 26,000 gallons per year or more require a Permit to Operate for fermentation and storage of wine;
 - b. Portable generators and equipment with engines that are 50 hp or greater.

Biological Resources

15. B-5 Prior to issuance of a construction permit for all phases, to protect sensitive bird species and those species protected by the Migratory Bird Treaty Act and/or the Fish and Game Code, the Applicant should avoid vegetation clearing and earth disturbance during the typical nesting season (February 15 -August 31). If avoiding construction during this season is not feasible, a qualified biologist shall survey the area one week prior to activity beginning on the site. If nesting birds are located, they shall be avoided until they have successfully fledged. A buffer zone of 50 feet will be placed around all non-sensitive bird species, a 500-foot buffer zone for raptors, and all activity will remain outside of that buffer until the applicant's biologist has determined that the young have fledged. If special status bird species are located, no work will begin until an appropriate buffer is determined by consultation with the County, the local California Department of Fish and Game biologist, and/or the U. S. Fish and Wildlife Service.
16. B-6 Prior to issuance of construction permits for all phases, construction notes shall be added to all plans as follows. Construction should be limited to the typical dry season (April 15 to October 15) in order to avoid indirect impacts (erosion, sedimentation) to Summit Creek, the drainage (swale 2), and swale 1. If work must occur during the rainy season, the Applicant shall install adequate erosion and sedimentation controls to prevent any sediment-laden runoff from entering the creek, swale or drainage. Erosion control measures shall be installed in the following areas:

Attachment 2

- a. During construction of the tasting and barrel room, erosion and sediment control will be installed outside the limits of disturbance in order to prevent sediment from entering the man-made ditch and Summit Creek.
 - b. During expansion of the tasting room and processing facility, erosion and sediment control will be installed outside the limits of disturbance in order to prevent sediment from Summit Creek.
 - c. During improvements to existing maintenance roads, erosion and sediment control will be installed outside the limits of disturbance in order to prevent sediment from entering the swale, drainage, and Summit Creek.
 - d. During widening of the existing access road for emergency purposes, erosion and sedimentation controls shall be installed to prevent erosion and sedimentation from entering Summit Creek.
 - e. All disturbed areas should be re-established with a native seed mix appropriate to the area or landscaping.
17. B-7 Prior to issuance of construction permits for all phases, construction notes shall be added to all plans as follows. Avoidance of flowing water protection measure. During construction and general property maintenance, all employees shall not drive through areas with flowing water in order to prevent erosion and sediment from entering water courses which could potentially impact sensitive species if present on the property. If crossing water cannot be avoided, timber mats or other materials to avoid creating sedimentation will be installed and utilized until the area had dried and no further threat of sedimentation is present.
18. B-8 Prior to issuance of construction permits for all phases, construction notes shall be added to all plans as follows. To prevent damage to the swales and prevent erosion and/or sediment from entering Summit Creek, the proposed road placement adjacent to the existing vines should be placed as close as possible to the vines in order to avoid direct impacts to the swales.
19. B-12 Prior to issuance of construction permits for all phases, a qualified biologist shall survey the area for purple martins one week prior to activities beginning on the site if construction is slated to occur during the typical nesting season (February 15 -August 31). If purple martins are noted as nesting within the survey area on the parcels during construction activities, any work that could disturb or affect the birds will be ceased until the Applicant can coordinate with the County of San Luis Obispo and the California Department of Fish and Game.

Cultural Resources

Attachment 2

20. CR-1 Cultural Resources - Environmentally Sensitive Area. At the time of application for construction permits, the applicant shall delineate the archaeological site(s) as Environmentally Sensitive Area(s) on the project plans, . All new development (e.g. winery, access roads, and utility trenches, etc.) will be located outside of the delineated area(s). Environmentally sensitive areas that are within fifty feet of construction or grading activities will be marked for protection (e.g., with flagging) and the limits of the sensitive area fenced prior to any grading.
21. CR-2 Cultural Resources - Monitoring Plan. Prior to issuance of construction permits, the Applicant shall submit a monitoring plan, prepared by a County-approved archaeologist, for review and approval by the County Department of Planning and Building. The intent of this Plan is to monitor all earth-disturbing activities in areas identified as potentially sensitive for cultural resources, per the approved monitoring plan. The monitoring plan shall include at a minimum:
- a. List of personnel involved in the monitoring activities;
 - b. Inclusion of involvement of the Native American community, as appropriate;
 - c. Description of how the monitoring shall occur;
 - d. Description of frequency of monitoring (e.g., full-time, part time, spot checking);
 - e. Description of what resources are expected to be encountered;
 - f. Description of circumstances that would result in the halting of work at the project site (e.g., What is considered "significant" archaeological resources?);
 - g. Description of procedures for halting work on the site and notification procedures; and
 - h. Description of monitoring reporting procedures.
22. CR-3 Cultural Resource – Construction Monitoring. During all ground disturbing construction activities, the applicant shall retain a qualified archaeologist approved by the Environmental Coordinator to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.

Drainage

23. At the time of application for construction permits, the applicant shall demonstrate that the project construction plans are in conformance with the Source Control BMP's as identified for project incorporation in the applicant's *Stormwater Quality Plan Application for Priority Projects*.

Attachment 2

24. At the time of application for construction permits, the applicant shall submit complete drainage calculations for review and approval in accordance with Sections 22.52.110 (Drainage Plan Required) and Section 22.14.060 (Flood Hazard). of the Land Use Ordinance.
25. At the time of application for construction permits, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.

Events

26. At the time of application for construction permits for Phase I or prior to holding an Event, the applicant shall provide an Event Parking Plan to verify compliance with the required numbers for Special Events and the anticipated number of people and spaces needed for wine industry-wide events and non-advertised events. The plan shall also document the proposed shuttle and carpooling activities. Special events with over 250 attendees shall incorporate options for carpooling into the parking plan.
27. At the time of application for construction permits for Phase I or prior to holding an Event, the applicant shall provide an Event Lighting Plan to verify the temporary lighting used at all events at both the lower existing winery site and the upper site. The plan shall include:
 - a. Direct views of all exterior lighting sources shall be shielded from view from Vineyard Drive and neighboring residences.
 - b. If access road lighting is proposed, the luminaires shall be a shielded "bollard-type" and shall be a maximum of 3 feet above the ground.
28. At the time of application for construction permits for Phase I or prior to holding an event, the applicant shall provide an annual listing of all proposed events including industry-wide, unadvertised and special events to owners of property within a minimum of 1,000 feet of the exterior boundaries of the proposed site, and to the Department of Planning and Building – Resource Protection Division through an email or letter. The event listing shall include:
 - a. A complete listing of all scheduled events including description of event, type of event, dates, times, specific location, anticipated number of attendees, and description of any proposed amplified music and hours of proposed amplified music.
 - b. 24-hour contact information for the on-site operator (cell phone), including e-mail and phone number, to be used to notify the operator of issues with the operation.
 - c. Contact information for County Code Enforcement to be used if members of the public have complaints about the operation.

Attachment 2

As an alternative to providing the annual listing of the events in a letter, a website may be used. If a website is used, notification shall first be provided by mail and contain the website address, the 24 hour local contact information and the approved number of events and attendee numbers. The website shall be maintained and kept current at all times.

29. Prior to issuance of a construction permit, the applicant shall pay all applicable school and public facilities fees.
30. Prior to issuance of any construction permit, the applicant shall pay the housing impact fee as required by Section 22.12.080.F.1.
31. Prior to issuance of construction permits for all phases, the applicant shall pay to the Department of Public Works the Templeton Area B Road Improvement Fees (RIF) in the amount prevailing at the time of payment. Future development on the site shall be subject to the payment of road fees.

Fire Protection

32. 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 Commercial Fire Plan Review, prepared by the CAL FIRE/County Fire Department for this proposed project and dated February 16, 2011.

Health Department

33. 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. Update to the sites Hazardous Materials Business Plan.
 - b. Evidence that there is adequate water to serve the proposal, on the site.
 - c. If water system plan review for a cross connection determines that a device is necessary, then an annual device test shall be provided.
 - d. If water system is made available to 25 or more employees at any one time, or to members of the public, or if the kitchen will be used as a commercial kitchen, then the applicant shall be required to have domestic water supply system.
 - e. The applicant shall require a health permit to function as a commercial kitchen. The applicant shall submit kitchen plans for review and approval by the Environmental Health Department.
 - f. If food preparation on the patio utilizing the BBQ and or the pizza oven is to continue, then construction of a satellite food facility must be completed in accordance with the requirements of Environmental Health Services.

Water

34. W-1 At the time of application for construction permits for all phases, the applicant shall include LID design techniques to promote groundwater recharge (22.52.140). Techniques to mitigate the proposed impervious parking and building areas should be implemented.

35. W-2 Landscaping plans shall preclude lawn/turf areas associated with the winery, minimize or avoid irrigated landscaping, and require all landscaped areas to be drip irrigated. This measure minimizes non-agricultural water use and helps to protect groundwater resources for agricultural production.

36. W-3 At the time of application for construction permits for all phases, the applicant shall incorporate best management practices for water conservation purposes throughout winery facility.

37. W-4 At the time of application for construction permits, the applicant shall maximize the use of pervious and semi-pervious areas in order to promote groundwater recharge, minimize erosion and sedimentation and protect farmland for agricultural use.

38. At the time of application for construction permits, the applicant shall show 3 stormwater runoff reduction measures. Such measures include but not limited to: rain gardens, porous paving system, vegetative swales, pavement disconnection and/or other measures, as approved by the County Planning Department in consultation with Public Works.

39. Prior to issuance of construction permits, if the project includes structural or treatment control best management practices (BMPs), the applicant shall record an agreement or covenants, conditions and restrictions (CC&Rs) in a form acceptable to County Counsel, to ensure the long-term maintenance of BMP's in accordance with the provisions of Ordinance Section 22.10.155. G. 7.

40. At the time of application for construction permits, in order to minimize the potential for hydrocarbon/oil contamination, parking lots with an area of more than 5,000 square feet or for more, or 25 parking spaces or more shall be designed to meet the following criteria in compliance with Ordinance Section 22.10.155 H. 5:
 - a. Reduce impervious land coverage of parking areas to the maximum extent practicable.
 - b. Infiltrate and/or treat runoff.
 - c. Treat to remove oil and petroleum hydrocarbons.

- d. Ensure adequate operation and maintenance of treatment systems, particularly sludge and oil removal and system fouling and plugging prevention control. At a minimum, this shall include a maintenance program which is funded and carried out by the property owner.

Wastewater

41. 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.
42. Prior to issuance of construction permits for Phase I, the applicant shall submit documentation of a waste discharge permit for the expansion of case production to 75,000 cases by the Regional Water Quality Control Board.

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

Air Quality

43. AQ-4 Prior to operation of the facility, the applicant shall provide evidence they have contacted APCD on any proposed portable equipment requiring APCD or CARB registration, such as: 50-hp portable generators, IC engines, unconfined abrasive blasting operations, concrete batch plants, rock and pavement crushing, tub grinders, trammel screens, etc. Should any of these types of equipment be used during construction activities California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit may be required.
44. AQ-8 Prior to commencement of construction activities, the applicant shall notify the APCD, by letter and submit a copy to the Department of Planning and Building, that all air quality mitigation measures have been applied.

Access and Improvements

45. Prior to Phase I occupancy or final inspection, the existing primary Vineyard Drive driveway approach shall be reconstructed in accordance with County Public Improvement Standard B-1e, and all existing private improvements within the right of way (e.g. existing decorative wall, signs, fences, etc) shall either be removed or legalized at the discretion of the Public Works Department with issuance of a conditional

Attachment 2

encroachment permit. All work within the County right-of-way shall require an encroachment permit.

46. Prior to Phase I occupancy or final inspection or holding special event, a secondary driveway approach shall be constructed in the Options 2 location. Option 2. includes extending the existing agricultural road along the Opolo Vineyard's northern property line to create a second access off of Vineyard Drive. The option was evaluated in the Orosz Engineering Group report entitled Opolo Winery Emergency Access Location Evaluation, dated December 12, 2011, and in accordance with the County Public Improvement Standards for rural driveways and sight distance. Options 2 shall also require that a gate be installed in accordance with Cal Fire requirements; and that it remain normally closed and locked; and that access be restricted to emergencies or when required to be available for site egress by Cal Fire. All work within the County right-of-way shall require an encroachment permit.
47. T-1. Prior to Phase I occupancy or final inspection, and in accordance with the OEG Traffic Engineering Report, the existing Opolo Winery monument sign located northerly along Vineyard Drive from the main project entrance shall be removed from the right-of-way
48. Prior to Phase I occupancy or final inspection, the existing primary Vineyard Drive driveway approach gate shall be a relocated minimum of 75-feet from the nearest edge of traveled way of Vineyard Drive.

Cultural

49. CR-4 Cultural Resource Monitoring – Completion Report. Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection (whichever occurs first), the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

Fire Safety

50. Prior to occupancy or final inspection, whichever occurs first, the applicant shall obtain final inspection and approval from CAL FIRE of all required fire/life safety measures (including those outlined in Commercial Fire Plan Review, dated February 16, 2011).

Landscaping

51. V-3 Prior to final inspection of Phase II, the approved landscape plan shall be implemented, and the applicant shall provide a letter to the San Luis Obispo County Department of Planning and Building for approval demonstrating that the applicant has entered into a contract with a qualified professional for the purpose of monitoring the success of the screen planting area. The monitoring contract shall include a

requirement that the monitor conduct at a minimum an annual site visit and assessment of the planting success for five years. At the end of the five year monitoring period, the monitoring report shall be submitted to the San Luis Obispo County Department of Planning and Building for approval and shall be used as a determining factor in assessing the successful establishment of the planting as it relates to the bond posted by the applicant.

Tasting Room

52. Prior to Final Inspection of Phase II Tasting Room, the existing tasting room shall be converted into administrative area (such as offices, storage, shower rooms/locker rooms, and employee lounge).

Department of Planning and Building

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

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

Time Limits (Phased)

54. This land use permit is a phased project as described in condition 1. All phases of this land use permit are considered to be vested once a construction permit has been issued and substantial site work has been completed for Phase 1 as indicated in Condition 1. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
55. 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 22.74.160 of the Land Use Ordinance.

Air Quality

56. AQ-3 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).

57. AQ-7 Prior to any agricultural burning, agricultural operations must obtain an APCD Agricultural Burn Permit to burn dry agricultural vegetation on Permissive Burn Days. The ARB provides educational handbooks on agricultural burning (English and Spanish) to growers which are available at the following websites:

www.arb.ca.gov/cap/handbooks/handbooks.htm

Access and Improvements

58. On-going condition of approval (valid for the life of the project), in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way, including but not limited to project and event signage.
59. On-going condition of approval (valid for the life of the project), the property owner shall be responsible for operation and maintenance of public road frontage landscaping located within the right-of-way in a viable condition and on a continuing basis into perpetuity or until specifically accepted for maintenance by a public agency.
60. On-going condition of approval (valid for the life of the project), any new or existing gates constructed on a driveway where off-site grapes are delivered and/or product is exported from the site shall be a minimum of 75-feet from the nearest edge of traveled way of any road open to public traffic.

Event - Parking

61. For the life of the project, parking for attendees shall be limited to the designated based/paved parking areas only. Event parking shall be unimproved and of an open area with a slope of 10 percent or less, at a ratio of 400 square feet per car, on a lot free of combustible material. All combustible vegetation/material shall be cleared from designated parking areas and to within a minimum of 10 feet from each side of parking areas and driveways.

Fire Protection - Events

62. On-going condition of approval (valid for the life of the project), the conditions applicable to on-site events as outlined in the Commercial Fire Plan Review dated February 16, 2011 and shall include the following: All events shall require CAL FIRE approval 30 days prior to each event.
- a. Applicant shall submit annual listing of proposed events to CAL FIRE.

Attachment 2

- b. The event listing shall also include: site plan, description of event, anticipated number of attendees, written emergency plan for medical aids injuries, structure fires, wildland fires and other emergencies.
- c. Applicant shall provide dedicated and trained and/or certified Emergency Medical Technician and fire watch to be on-site throughout all events regardless of number of attendees.

Lighting

63. All lighting fixtures shall be down shielded so that neither the lamp nor the related reflector interior surface or glare is visible from adjacent properties. Light hoods shall be dark colored.

Noise

64. N-1 On-going condition of approval (valid for the life of the project), outdoor amplified music and sound levels shall be limited to an average 70 dBA and shall not exceed 90 dBA at the position seven feet in front of the speakers. Amplified music or sound shall cease at 5 p.m.
- a. During events that include outdoor amplified music, the owners shall monitor and record noise levels, on an hourly basis, with a sound level meter at the property lines to ensure that the noise levels do not exceed 65 dB and those prescribed in the County Land Use Ordinance.
 - b. During events that include outdoor amplified music, sound equipment shall be affixed with a sound level meter that does not allow the music levels at the noise source to exceed 90 db.
 - c. Amplified music and sound is limited to a maximum 65 dB at all property lines.

Outdoor Storage

65. Long term outdoor winery storage areas shall be screened by solid fencing or landscaping and shall not be higher than the associated solid fence screening or landscaping, unless the storage area is not visible from any public road or adjacent properties.
66. Any water tanks associated with the project shall be a neutral, non-contrasting color, and landscape screening shall be provided so that the water tanks are not visible from any public road.

Pomace

67. 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.\

Recycling

Attachment 2

68. On-going condition of approval (valid for the life of the project), the applicants shall provide recycling opportunities in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential, commercial and special events).

Storm Water Program

69. On-going condition of approval (valid for the life of the project), the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

~3404704.docx