

ATTACHMENT 2

STOLLER MINOR USE PERMIT EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes the construction of a two-phased construction of a winery. The following provides a breakdown of the proposed phases:
 - a. Phase 1 would include one building totaling 6,350 S.F. that includes: tank room (3,335 S.F.), fermentation room (1,400 S.F.), office/lab (625 S.F.), and a caretakers unit (970 S.F.).
 - b. Phase 2 would include an additional 7,175 S.F. building that would include: a barrel storage room (4,700 S.F.), and a 2 storage rooms (2,475 S.F.). Areas outside of the winery building that is connected by a breeze way would include a covered crush pad (8,085 S.F.) and a deck (480 S.F.).
 - c. The project does not authorize public tasting and special events.
 - d. Future proposed signage shall comply with applicable sections of the sign ordinance.
 - e. Maximum wine production at build out would be 15,000 cases.

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

2. **At the time of application for construction permits for each phase**, the applicant shall submit a condition compliance package that details each condition of approval for this land use permit and verifies and documents how each condition of approval has been met.
3. All development shall be consistent with the approved site plan, floor plan, and architectural elevations.

Grading

4. **Prior to issuance of grading permit**, the applicant shall submit a drainage, sedimentation and erosion control plan prepared and signed by a Registered Civil Engineer. The plan shall meet the requirements of Land Use Ordinance (LUO) 22.05.034 and 22.05.082(a) and shall be approved by the Planning and Building Division in consultation with the Public Works Department. The plan shall be incorporated into the drainage protection and restoration plan.
5. **Prior to issuance of grading permit**, the applicant shall show all recommendations of the Geotechnical Engineering and Percolation Report, by Buena Geotechnical Services, LLC dated June 12, 2008 on the grading plans to ensure that all recommendations are implemented.
6. **Prior to issuance of grading permit**, the applicant shall install protective fencing under the driplines of the existing oak tree located adjacent to the proposed wine facility. The protective fencing shall be at least 4.0 feet high, bright, and shall remain in place until final inspection.

Geology and Soils

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

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Air Quality

8. The following measures shall be incorporated into the construction phase of the project and shown on all applicable plans prior to issuance of construction permits:
 - a. Reduce the amount of the 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 should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
9. **Prior to commencement of construction activities**, the applicant shall notify the APCD, by letter, that the above air quality mitigation measures have been applied.

Exterior Lighting

10. **Prior to issuance of construction permits**, the applicant shall submit an exterior lighting plan for review and approval by the Department of Planning and Building which includes the following:
 - a. Direct views of all exterior lighting sources shall be shielded from view from S. El Pomar and Almond Drive.
 - b. Exterior lighting shall be designed to not focus illumination onto exterior walls.
 - c. Any security lighting installed on the property shall be equipped with motion detectors to prevent the illumination from remaining turned on for extend periods of time.
 - d. "White" colored light shall not be used for exterior lighting.
 - e. Upward directed lighting shall not be visible above the building roofline. All lighting used shall be shielded and down-casting.

Building Colors

11. **Prior to issuance of construction permits**, the applicant shall submit a color and materials board which shows the following:
 - a. Exterior wall colors shall be limited to dark, muted earth tones. Exterior colors shall be no brighter than 6 in chroma 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, deep muted greens, browns and grays and no brighter than 6 in chroma value on the Munsell Color Scale on file in the County Department of Planning and Building.
 - c. 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.

Oak Trees

12. **Prior to issuance of building permits**, the applicant shall amend the landscaping plan to provide for the replacement, in kind at a 4:1 ratio, oak trees to mitigate for trees removed. No more than 1 oak trees having a five inch diameter or larger at four feet from the ground shall be removed, as a result of the development of the project. Replanting shall be completed as soon as it is feasible.

Fire Safety

13. **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 CAL FIRE for this proposed project and dated August 8, 2008 in addition to any new conditions to meet current Fire Code requirements in consultation with CAL FIRE.
14. **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.

Water Tanks

15. **At the time of application for construction permits**, the applicant shall clearly delineate on the project plans the location and visual treatment of any new water tank(s). All water tanks shall be located in the least visually prominent location feasible when viewed from South El Pomar and Almond Dr. Screening with topographic features, existing vegetation or existing structures shall be used as feasible. If the tank(s) cannot be fully screened with existing elements, then the tank(s) shall be a neutral or dark, non-contrasting color, and landscape screening shall be provided. The applicant shall provide evidence that the proposed tank(s) are as low profile as is possible, given the site conditions. Landscape material must be shown to do well in existing soils and conditions, be fast-growing, evergreen and drought tolerant. Shape and size of landscape material shall be in scale with proposed tank(s) and surrounding native vegetation.

Fees

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

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

Fire Safety

17. **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.

Landscaping

18. **Prior to final inspection**, the applicant shall implement the proposed landscaping plan, as shown on the site plan. Plants used shall be from the county approved plant list and shall be drought tolerant. All landscaping shall be maintained in a viable condition in perpetuity.

Wastewater

19. Liquid waste generated by the winery operations must be discharged to a separate wastewater system designed by a civil engineer with expertise in the design of winery wastewater systems and approved by the County Building Official or Regional Water Quality Control Board. Such system shall not create offensive odors or materially impair the quality of groundwater for domestic or agricultural use.
 - a. **Prior to discharge of winery wastewater in excess of 2,500 gallons per day**, the applicant shall obtain approval and/or permits from the Regional Water Quality

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Control Board. In no case shall winery wastewater be discharged into a stream or other surface water.

20. Waste 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.
21. 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.

Planning Department

22. **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)

Oak Trees

23. During operation of the development, no site disturbance, including but not limited to, placement of benches, planting of grass, watering, or paths shall be allowed within the driplines of the existing oak trees.

Outdoor Storage

24. Winery related materials stored out of doors shall be screened by solid fencing and shall not be higher than the associated solid fence screening, unless the storage area is not visible from S. El Pomar and Almond Drive.
25. 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.

Entry Gate

26. On-going condition of approval (valid for the life of the project): Where offsite grapes are delivered and/or a product is exported and with wine tasting, the gates will be located at a minimum of 75 feet from the edge of travel way of South El Pomar Drive. The two driveways onto South El Pomar Drive must be re-aligned to be at right angles to the County Road as required by the County Public Improvement Standards. The driveways to be constructed to require a paved driveway approach with an Encroachment Permit from Public Works.

Time Limits

27. 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 Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

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28. 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.