

**EXHIBIT B / CONDITIONS OF APPROVAL
DRC2014-00065 / NICHOLS**

Approved Development

1. This approval authorizes the construction of a 3,360 square foot (sf) wine processing facility that will include a 446 sf tasting room, and a 400 sf permanent farm stand that will be located on the outside patio and related site improvements. Annual case production is 2,500 cases.
2. A waiver modification of the side setback that requires Agricultural Retail Sales (Section 22.30.075.B.4) requirement to allow the farm stand to be located 337 feet to an existing residence outside the ownership of the applicant to allow 400 feet.
3. A waiver setback modification to allow the tasting room to be located 103 feet and 172 feet (side setbacks) instead of 200 feet per ordinance requirement.
4. A waiver setback requirement to allow the tasting to be located 337 feet to the nearest residence instead of 400 feet per the ordinance requirement.
5. This approval does not authorize special events, industry-wide events, or a vacation rental.

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

Development

6. All development shall be consistent with the approved site plan, floor plans and elevations. Parking shall be in compliance with Section 22.18.

Access

7. **At the time of application for construction permits**, the applicant shall secure an Encroachment Permit from Public Works and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The permit is to include:
 - a. Reconstruct the existing site access driveway approach in accordance with County Public Improvement Standard B-1e drawing for high speed and/or high volume rural roadways.

Drainage

8. **At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval in accordance with Section 22.52.110 (Drainage) of the Land Use Ordinance.
9. **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.

Fire Safety

10. **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/County Fire Department for this proposed project and dated February 20, 2015.

Exterior Lighting

11. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Conditions to be completed prior to issuance of a construction permit

Wastewater

12. **Prior to issuance of construction permits**, the applicant shall submit documentation issued by the Regional Water Quality Control Board for land application of treated process winery wastewater, including all required permits, authorizations, and/or waivers.

Health Department

13. **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. A Hazardous Materials Questionnaire;
 - b. Evidence that there is adequate water to serve the proposal, on the site;
 - c. The applicant shall submit a site plan showing the location of water wells and the distance from wastewater systems.

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

Access

14. **Prior to occupancy or final inspection**, all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.

Fire Safety

15. **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.

Department of Planning and Building

16. **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.

Waste Discharge

17. **Prior to occupancy or final inspection**, the applicant shall submit documentation of a waste discharge permit or waiver issued by the Regional Water Quality Control Board.

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

Time Limits

18. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and finalized. 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.
19. 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.

Access

20. 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 signage; tree planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.
21. Any gate constructed on a driveway where off-site grapes are delivered and/or product is exported from the site shall be set back at least 75-feet from the nearest edge of traveled way of Los Berros Road.

Drainage

22. 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.

Fees

23. In accordance with Title 13.01 of the County Code, the applicant shall be responsible for paying to the Department of Public Works the South County Area 2 Road Impact Fee. The fee shall be imposed at the time of application for building permits and shall be assessed for each building permit to be issued. These fees are subject to change by resolution of the Board of Supervisors. The applicant shall be responsible for paying the fee in effect at the time of application for building permits.

Lighting

24. 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.

Outdoor Storage

25. 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.
26. 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

27. 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.

APCD Requirements

28. 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.

Recycling

29. The applicants shall provide recycling opportunities to all facility users at all events in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential, commercial and special events).