

ATTACHMENT 06
EXHIBIT B – REVISED CONDITIONS OF APPROVAL
Merrill DRC2014-00004

Approved Development

1. This approval authorizes the construction of a three-phased construction of a winery and tasting room. The following provides a breakdown of the proposed phases:
 - A. **Phase I** - To be vested by 2021 in accordance with Condition 37.
 - Conversion of two shop buildings to 2,700 square feet of barrel storage
 - Construction of expanded wastewater treatment facility (including 1,500-square foot wetlands system and 4,800-square foot effluent storage pond)
 - Case production of 15,000 cases
 - B. **Phase II** - To be vested by 2026 in accordance with Condition 37.
 - Construction of new 10,440-square foot processing facility
 - Case production of 30,000 cases
2. This approval authorizes two special events per month for no more than 200 attendees in addition to wine industry wide events. Amplified music between the hours of 10:00 a.m. and 9:30 p.m. is permitted and subject to Conditions 48-49. Maximum noise levels shall not exceed 65 dB as measured at the property line. No events shall be located at or associated with the vacation rental.
3. This approval does not authorize other uses including bed and breakfasts or restaurants, and any events associated with these uses.

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

Site Development

4. **At the time of application for construction permits**, submit a revised site 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. Improved parking to conform to the required spaces (15).
 - b. 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. Total number of spaces is based on the ratio of one space per 3 people in attendance at the event.
 - c. Any gates located at the access points shall be setback a minimum of 75 feet from the traveled way of El Pomar Road or South El Pomar Road.
5. **At the time of application for construction permits**, all development shall be consistent with the approved and revised site plan, floor plan, and architectural elevations.

Access

6. **At the time of application for construction permits**, the applicant shall submit plans prepared by a Registered Civil Engineer to the Department of Public Works to secure an Encroachment Permit and post a cash damage bond to install improvements within the

public right-of-way in accordance with County Public Improvement Standards. The plan is to include, as applicable:

- a. Reconstruct the existing main winery driveway approach in accordance with County Public Improvement Standard B-1e drawing for high speed and/or high volume rural roadways and county sight distance standards.
 - b. Reconstruct the other existing site access driveway approaches in accordance with County Public Improvement Standard B-1 drawings for rural roadways and county sight distance standards.
 - c. Removal of all existing non-permitted obstructions from within the public right-of-way of the project frontage.
7. **At the time of application for construction permits**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.

Fire Safety

8. **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 CDF/County Fire Department for this proposed project.

Biological Resources

9. **At the time of application for construction permits**, the applicant shall clearly show on the project plans all trees within 50 feet of construction activities. No oak trees shall be removed. The project plans shall also show the type and location of tree protection measures to be employed. All trees to remain on-site that are within fifty feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone fenced **prior to any grading**. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface. **Prior to final inspection or occupancy**, whichever occurs first, the applicant shall provide verification to the satisfaction of the county that the above measures were incorporated into the project.

Wastewater

10. 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.
11. 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.

12. 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.

Exterior Lighting

13. **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

Air Quality

14. **Prior to issuance of any construction permit** to remove or demolish any buildings or utility pipes on the subject property, the applicant shall provide evidence they have contacted APCD to determine: a) what regulatory jurisdictions apply to the proposed demolition, such as the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – Asbestos NESHAP); b) District notification requirements; c) the need for an asbestos survey conducted by Certified Asbestos Inspector; and d) applicable removal and disposal requirements of the asbestos-containing material.
15. **Prior to construction permit issuance**, 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.
16. **Prior to construction permit issuance**, the applicant shall submit plans demonstrating design standards to ensure vehicle speeds do not exceed 25 miles per hour on primary and secondary access roads. Prior to final inspection, the applicant shall post maximum speed limits signs of 25 miles per hour on proposed access roads. For the life of the project, the applicant shall use a California Air Resources Board (CARB) certified dust suppressant on access roads and parking areas.

Biological Resources

17. **Prior to issuance of construction permits**, the “Project Limits” shall be clearly delineated on all construction plans. Prior to any construction work beginning, including any vegetation clearing, where creek habitat has been identified, sturdy high-visibility fencing shall be installed to protect this habitat. This fencing shall be placed a minimum of 100 feet from the edge of identified riparian habitat with the exception of the existing agricultural road proposed for improvement. Fencing shall be placed at the edge of the road, between the road and riparian habitat. No construction work (including storage of materials) shall occur outside of the “Project Limits”. Any required fencing shall remain in place during the entire construction period and checked and repaired as needed by the resident engineer. **Prior to final inspection or occupancy**, whichever occurs first, the applicant shall provide verification to the satisfaction of the county that no disturbance occurred outside of the approved “project limits” line.
18. **Prior to issuance of construction permits**, a hazardous materials spill response plan shall be developed and submitted to the county for county approval.

Water

19. **Prior to issuance of a construction permits** the applicant shall submit evidence that there is adequate water to serve the proposal, onsite.
20. **Prior to issuance of a construction permit**, applicant shall comply with all offset requirements set forth in Resolution 2015-0288 regarding the Paso Robles Groundwater Basin.

Wastewater

21. 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 submit documentation of a waste discharge permit or waiver issued by the Regional Water Quality Control Board. In no case shall winery wastewater be discharged into a stream or other surface water.
22. **Prior to issuance of construction permits**, the applicant shall submit revised plans showing a minimum 100-foot setback from the edge of riparian vegetation to the proposed wetland cells and effluent storage pond.
23. **Prior to issuance of construction permits for each phase of development**, the applicant shall submit documentation of a waste discharge permit or waiver issued by the Regional Water Quality Control Board.

Grading, Drainage, Erosion Control

24. Prior to issuance of construction permit(s), sedimentation and erosion control plans shall be submitted using Best Management Practices to minimize sediment from entering nearby water bodies or prominent drainage courses.

Fees

25. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
26. **Prior to issuance of a construction permit**, the applicant shall pay the housing impact fee as required by Section 22.12.080.F.1, or may defer fee payment pursuant to Section 22.12.080.J.4. As an alternative the applicant may provide housing units or a land donation, pursuant to Section 22.12.080.F.3.
27. **Prior to issuance of a construction permit**, the applicant shall pay all applicable road fees.

Health Department

28. **Prior to issuance of a construction permit** for the appropriate phase, the applicant shall obtain the appropriate Health Department permits. The Health Department will require at a minimum the following information:
 - a. A Hazardous Materials Questionnaire.
 - b. Evidence that there is adequate water to serve the proposal, on the site.
 - c. If plan review for a cross connection determines that a device is necessary, then an annual device test shall be provided.
 - d. If water is made available to 25 or more employees at any one time, or to members of the public, then the applicant shall be required to have public water supply system.

- e. The applicant shall submit a site plan showing the location of water wells and the distance from wastewater systems.

Conditions to be completed during construction

Biological

29. **Prior to any work beginning**, should the project need to span the riparian corridor, or disturb any riparian habitat, the applicant understands that they will need to contact the following agencies to determine the need for other state or federal permits: California Department of Fish and Game, U.S. Fish & Wildlife Service, National Marine Fisheries Service, Army Corps of Engineers. When such permits are required, any applicable requirement shall be shown on applicable construction plans and adhered to during construction.
30. **During construction and ground disturbing activities**, all refueling, maintenance, and staging of equipment and vehicles will occur at least 100 feet from riparian habitat or water bodies and not in a location from where a spill would drain directly toward aquatic habitat. **Prior to commencement of grading/construction activities**, the applicant will ensure that a plan is in place for prompt and effective response to any accidental spills. All workers will be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.
31. **Prior to issuance of construction permits**, the applicant shall submit revised plans showing a minimum 100-foot setback from the edge of riparian vegetation to the proposed wetland cells and effluent storage pond.
32. **Prior to commencement of grading activities**, work area boundaries shall be clearly staked in a manner that all construction work shall avoid the creek and associated riparian vegetation.

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

Site Development

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

Access

34. **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

35. Prior to occupancy or final inspection, whichever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.

Biological

36. **Prior to final inspection**, the applicant shall replace, in kind at a 2:1 ratio for each oak tree impacted but not removed. No oak trees shall be removed as a result of the development of the project. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer). Location of newly planted trees should

adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines).

These newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding (minimum of once early Fall and once early Spring) of at least a three-foot radius out from plant and adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three-year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.

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

Time Limits

37. 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.
38. 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

39. **On-going condition of approval (valid for the life of the project)**, any gate 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 traveled way of any road open to public traffic.
40. **On-going condition of approval (valid for the life of the project)**, and 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.
41. **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 in a viable condition and on a continuing basis into perpetuity or until specifically accepted for maintenance by a public agency.

Biological

42. The applicant recognizes that trimming of oaks can be detrimental in the following respects and agrees to minimize trimming of the remaining oaks: removal of larger lower branches should be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs", 2) reduce having larger limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain the wildlife that is found only in the lower branches, 4) retains shade to keep summer temperatures cooler

(retains higher soil moisture, greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree. Limit the amount of trimming (roots or canopy) done in anyone season as much as possible to limit tree stress/shock (10% or less is best, 25% maximum). Excessive and careless trimming not only reduces the potential life of the tree, but can also reduce property values if the tree dies prematurely or has an unnatural appearance. If trimming is necessary, the applicant agrees to either use a skilled arborist or apply accepted arborist's techniques when removing limbs. Unless a hazardous or unsafe situation exists, trimming shall be done only during the winter for deciduous species. Smaller trees (smaller than 5 inches in diameter at four feet above the ground) within the project area are considered to be of high importance, and when possible, shall be given similar consideration as larger trees.

Fees

43. **On-going condition of approval (valid for the life of the project)**, and in accordance with Title 13.01 of the County Code, the applicant shall be responsible for paying to the Department of Public Works the Templeton Area B 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.

Outdoor Storage

44. 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.
45. 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.

Commercial Kitchen

46. This approval does not allow a commercial kitchen to function as a restaurant (limited food service facility).

Pomace

47. 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.

Noise

48. **Prior to initiation of public events**, the applicant shall submit to the county a copy of a formal rental agreement for groups making use of the event site. The rental agreement shall include the disclaimer that outdoor amplified music will not exceed Lmax levels of 65 dB decibels noise standards at the property line. The rental agreement shall identify an on-site manager to be present during all events who will have a basic sound level meter to verify conformance with standards and to correct problem situations.
49. **For the life of the project**, the applicant shall designate an employee to serve as a noise monitor. For events that include outdoor amplified music, the noise monitor shall monitor noise levels, on an hourly basis, with a sound level meter at the property lines to ensure that the noise levels do not exceed those prescribed in the County Land Use Ordinance. The outdoor amplified music shall not exceed Lmax levels of 65 dB decibels

at the property line. The noise monitor shall be available by telephone to respond to any noise complaints and take corrective measures to ensure compliance with the County Land Use Ordinance. The applicant and successors in interest shall provide a telephone number to reach the designated noise monitor to the County and any neighbor who requests it. The telephone number provided shall allow the County and/or neighbor to reach the noise monitor during all events.

Notification

50. The applicant shall provide notification of events, through an email or letter, to owners of property within a minimum of 1,000 feet of the exterior boundaries of the proposed site. If a letter is used, it shall be delivered within 30 days prior to but not less than 3 days before each event occurrence. The following information shall be provided:
- a) A complete listing of all scheduled events including dates, times and number of attendees;
 - 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;
 - d) Any identified problems shall be responded to and addressed as soon as possible.

As an alternative to providing the annual listing of the events in a letter, a website may be used. If a web-site 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.

Event Parking

51. 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. Total number of spaces is based on the ratio of one space per 3 people in attendance at the event.

Event Lighting

52. **For the life of the project**, use of exterior lighting in association with an event shall not extend beyond 10:30 p.m. Use of lighting beyond these hours is acceptable where necessitated for emergency purposes, provided that the use of lighting is minimized only to what is necessary to address the urgent conditions.
53. Any lighting used during events shall comply with Section 22.10.060 (Exterior Lighting). All lighting shall have minimized intensity. Sources shall be directed away from any road, highway, or adjacent residences.

Signs/Banners

54. **For the life of the project**, banners, signs, or decorative materials on the project site are limited to being posted on the day of the event, and shall be removed by the following day.

Recycling

55. On-going condition of approval (valid for the life of the project), 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 events).

Trash

56. For the life of the project, the site shall be kept clean and free of trash and debris during each event and such materials shall be prevented from passing onto neighboring properties.

Toilet Facilities

57. Portable restroom facilities may be used, in lieu of permanent restrooms, provided they meet all state and local specifications and are sufficient to serve the maximum number of persons allowed at an event.

Water

58. The applicants shall comply with the Memorandum Regarding Water Offset Calculation (Wallace Group, July 7, 2014) recommendations for special events regarding use of temporary toilets and catering of meals. If applicant chooses to utilize permanent toilets and/or cook on-site for events, new water offset calculations shall be required.