

**EXHIBIT B - CONDITIONS OF APPROVAL
DRC2015-00038 / Cass Winery**

Approved Development

1. This approval authorizes a Conditional Use Permit for the phased expansion of an existing winery and tasting room to allow:
 - a. Construction of a new 13,279 square-foot barrel storage and administration building with an approximately 6,327 square-foot covered patio area and 6,800 square feet of ornamental landscaping;
 - b. Construction of a new 4,128 square-foot eight room bed and breakfast inn (B&B);
 - c. Improving an existing agricultural road to serve as a secondary access road from the new barrel storage building and the B&B to Geneseo Road;
 - d. Increase in the existing temporary events program from six annual events with up to 80 attendees each to 20 annual events with up to 200 attendees each. This would be in addition to industrywide events and other activities not regulated by the winery ordinance. Events held at the B&B or restaurant will be counted as one of the 20 annual events allowed. No amplified music is allowed before 10 a.m. or after 5 p.m. No events shall be located at or associated with the vacation rental;
 - e. Use of an existing 1,760 square-foot commercial kitchen and seating area as a limited food serving facility (restaurant);
 - f. Increase in annual wine production from 5,000 cases to up to 20,000 cases;
 - g. A modification of the ordinance standard limiting a restaurant to 800 square feet to allow 1,760 square feet; and
 - h. A modification of the ordinance standard limiting a B&B to within 100 feet of an existing winery to allow the proposed B&B within 144 feet of the proposed winery building.

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

Site Development

2. **At the time of application for construction permits**, plans submitted shall show all development consistent with the approved site plan, landscaping plan, grading plans, and floor plan.

Access

3. **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 Linne Road westerly most existing site access driveway approach in accordance with County Public Improvement Standard B-1e drawing for high speed and/or high volume rural roadways, and A-5a sight distance standards.

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- b. Construct the proposed Geneseo Road site access driveway approach in accordance with County Public Improvement Standard B-1e drawing for high speed and/or high volume rural roadways, and A-5a sight distance standards.
- c. Drainage ditches, culverts, and other structures (if drainage calculations require).
- d. Removal of all existing non-permitted obstructions from within the public right-of-way of the project frontage. Obstructions include, but are not limited to, sandwich board and fence mounted advertising signs.
- e. The applicant shall provide satisfactory evidence that the Army Corps of Engineers and the California Department of Fish and Game environmental permits have either been secured or that the regulatory agency has determined that their permit is not required.

Drainage

- 4. ER-4: Drainage Plan Required. At the time of application for construction and / or grading permits, the Applicant shall submit a drainage plan for review and approval by the County Public Works Department. The plan shall contain, at a minimum:
 - a. Flow lines of surface waters onto and off the site.
 - b. Existing and finished contours at two-foot intervals or other topographic information required by the Public Works Director.
 - c. Building pad, finished floor and street elevations, existing and proposed.
 - d. Location and graphic representation of all existing and proposed natural and manmade drainage facilities for storage or conveyance of runoff, including drainage swales, ditches, culverts and berms, sumps, sediment basins, channels, ponds, storm drains and drop inlets. In addition, private water wells and sewage disposal systems must be shown. Include detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with or as a part of the proposed work.
 - e. Proposed flood-proofing measures where determined to be necessary by the Public Works Director and in accordance with Federal Emergency Management Agency (FEMA) requirements.
 - f. For projects where the Director or Public Works Director determines that increased discharge rates and durations could result in off-site erosion or other impacts to beneficial uses, the project shall incorporate appropriate hydromodification measures as identified in the Low Impact Development (LID) Handbook. Such measures shall be clearly depicted on the drainage plan.
 - g. An evaluation of the effects of projected runoff on adjacent properties and existing drainage facilities and systems.
 - h. A map showing the drainage area and hydraulic calculations showing the facilities flow carrying capacities for the design storm event and justifying the estimated runoff of the area served by any drain. Include design discharges and velocities for conveyance devices, and storage volumes of sumps, ponds, and sediment basins based on the design storm.
 - i. Estimates of existing and increased runoff resulting from the proposed improvements and methods for reducing velocity of any increased runoff.

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- j. Methods for enhancing groundwater recharge that have been incorporated into the project design or an explanation of non-necessity of groundwater recharge for the project site.

All approved measures shall be implemented during construction and long-term elements verified prior to final inspection.

5. **At the time of application for construction permits**, the applicant shall show the 100 year flood hazard boundary on the project plans.
6. **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

7. **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 October 20, 2014.

Noise

8. **At the time of application for construction permits**, 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 95 decibels, measured fifty feet from the source. 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.

Conditions to be completed prior to issuance of a construction permit

Air Quality

9. AQ-1: **Prior to issuance of construction permits**, the applicant shall complete and submit to the APCD a Permit to Operate for the existing winery (25,000 cases).
10. AQ-7: **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.
11. AQ-8: **Upon application for construction permit**, subject to Title 24 requirements, the applicant shall submit plans demonstrating that the building energy efficiency rating shall be increased by 10% above what is required by Title 24 requirements. This can be accomplished in a number of ways, including but not limited to:
 - a. Increase attic, wall, or floor insulation;
 - b. Install high efficiency windows;

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- c. Use efficient interior lighting and energy star roofs and appliances;
- d. Plant native shade tree planting along southern exposures of buildings to reduce summer cooling needs;
- e. Plant native, drought resistant landscaping;
- f. Use locally or nearby produced building materials;
- g. Use renewable or reclaimed building materials; and
- h. Install outdoor electrical outlets to encourage the use of electric appliances and tools.

Fees

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

Environmental Health

13. **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. A health permit for the limited food service facility/ commercial kitchen. The applicant shall submit kitchen plans for review and approval by the Environmental Health Department.
 - e. 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.
 - f. The applicant shall submit a site plan showing the location of water wells and the distance from wastewater systems.

Water and Hydrology

14. WH-1: Prior to issuance of construction permits or commencement of any use authorized by this conditional use permit, the applicant shall obtain an Offset Clearance from the Department of Planning and Building for 0.672 AFY.

Conditions to be completed prior to construction activity

Erosion and Sedimentation

15. ER-1: Stockpiling/Placement of Fill. Short-term stockpiling or long-term placement of fill shall comply with the following wherever possible or applicable during and after all earthmoving activities. Prior to permit issuance the following measures shall be shown on all applicable drawings.
16. ER-2: Erosion and Sedimentation Control – Avoid Rainy Season. Construction activities shall be limited to the dry season (April 15 through October 15). If construction activities cannot take place only during the dry season, implementation of Best Management Practices (BMPs) [per the approved Erosion and Sedimentation Control Plan] is required prior to the start of the rainy season or ground clearing activities.

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17. ER-3: Erosion and Sedimentation Control Plan – Soil Protection During Construction. Prior to issuance of construction and/or grading permits, the Applicant shall submit to the County [Public Works] for review and approval of a sedimentation and erosion control plan (LUO Sec. 22.52.120, CZLUO Sec. 23.05.036) which identifies how disturbed soils will be stabilized to prevent wind and water erosion during construction and immediately after construction. The plan shall include temporary best management practices (BMPs) to be installed during the rainy season that may include, but are not limited to, use of mulch, soil stabilizers, or other recognized surface stabilization measures [all compatible with project area sensitive species]. The plan shall include standard provisions for dust control by water truck (LUO Sec. 22.52.160 - Construction Procedures) or periodic application of soil stabilizers during construction.
18. ER-4: Stockpiling/Placement of Fill. Short-term stockpiling or long-term placement of fill shall comply with the following wherever possible or applicable during and after all earthmoving activities. Prior to permit issuance the following measures shall be shown on all applicable drawings:
- a. Be located outside of any drainage ways;
 - b. Be located outside of any habitat containing rare or endangered plant or wildlife species;
 - c. Be located as far as practical from any blue line stream (as shown on USGS maps) or streams supporting riparian habitat, and no closer than 100 feet, if located on slopes less than 10%. If located on steeper slopes (10% to 20%), setback distance shall be increased to 500 feet. No material shall be placed on slopes greater than 20%;
 - d. Be located outside of any area identified by the County as visually or biologically sensitive (e.g. County's "Sensitive Resource Areas" designation or a site specific evaluation);
 - e. Be located outside of the 100-year floodplain;
 - f. If fill is to be left permanently, soil shall be compacted to comply with the fill standards of the County Grading Ordinance and/or Uniform Building Code;
 - g. Fill slopes shall not exceed a ratio of 2-feet horizontal to 1-foot vertical;
 - h. Have a sediment and erosion control plan prepared prior to work beginning, if any fill or stockpiles are being worked, are in a disturbed state or will remain exposed during the rainy season. Temporary measures, such as covering the area or containing the area (e.g. use of straw bales and silt fencing around stockpile), shall be applied before the rainy season begins (October 15th) and be maintained to remain in good working order during the entire rainy season (until April 15th);
 - i. Adequate measures shall be applied to all disturbed portions of the project site to control dust, such as daily watering or hydromulching until vegetation cover is well established;
 - j. Any fill or stockpiling that is to be left more than 30 days shall be hydroseeded or covered immediately upon completion of the fill or stockpiling work; and
 - k. All fill material must be "clean" and free of any potentially hazardous materials or hazardous waste.

All permanent measures shall be verified prior to final inspection.

Conditions to be completed during construction activity

Air Quality

19. AQ-1: The applicant shall complete and submit to the APCD a Permit to Operate for the increase in case production.
20. AQ-2: The applicant shall implement the following PM10 measures for unpaved roads, driveways, and parking areas:
 - a. For the life of the project, pave and maintain the roads, driveways, and/or parking areas; or,
 - b. For the life of the project, maintain the unpaved roads, driveways, and/or parking areas with a dust suppressant (see Technical Appendix 4.3 of the APCD's CEQA Handbook for a list of APCD-approved suppressants) such that fugitive dust emissions do not exceed the 20 percent opacity limit for greater than 3 minutes in any 60 minute period (APCD Rule 401) or prompt nuisance violations (APCD Rule 402).
 - c. Also, to improve the dust suppressant's long-term efficacy, the applicant shall also implement and maintain design standards to ensure vehicles that use the on-site unpaved road are physically limited (e.g., speed bumps) to a posted speed limit of 15 mph or less.

The applicant may propose other measures of equal effectiveness as replacements by contacting the APCD's Planning Division at (805) 781-5912.

21. AQ-3: To minimize nuisance dust impacts during construction, the applicant is required to implement APCD fugitive dust mitigation measures including reducing the amount of disturbed area where possible, the use of water trucks or sprinkler systems to water down airborne dust, daily spraying of dirt stock-pile areas, paving of applicable surfaces as soon as possible after grading, laying of building pads as soon as possible.
22. AQ-4: All required PM10 measures shall be shown on applicable grading or construction plans. In addition, the developer shall designate personnel to insure compliance and monitor the effectiveness of the required dust control measures (as conditions dictate, monitor duties may be necessary on weekends and holidays to insure compliance); the name and telephone number of the designated monitor(s) shall be provided to the APCD prior to construction/ grading permit issuance.
 - a. Reduce the amount of the disturbed area where possible;
 - b. Use 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; and,
 - 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.
23. AQ-5: 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

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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).

24. AQ-6: 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.

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

Access

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

Fire Safety

26. **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.

Planning and Building

27. **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.

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

Access

28. 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.
29. 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.

Bed and Breakfast

30. The bed and breakfast shall be operated in a manner that promotes the existing vineyard and/or winery. If the bed and breakfast is not operated in such a manner, then

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the bed and breakfast use shall be discontinued and the modular storage container buildings shall be removed from the site or re-used onsite as agricultural structures.

Drainage

31. 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. seq.

Public Services/Utilities

32. PU-1: As mitigation for the extended response time from the nearest Cal Fire / County Fire station, an individual trained and certified as an Emergency Medical Technician (E.M.T.) within the county of San Luis Obispo shall be required at all events exceeding 150 attendees. This person shall not be a "guest" or an attendee of the event and must also function as a Fire Watch throughout the event(s).
33. PU-2: All gates located along both primary and secondary access roads must remain open and unlocked during all events.

Recycling

34. **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 special events).

Time Lines

35. 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 substantial site work has been completed. 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.
36. 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.