

ATTACHMENT 2

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes Temporary Events on a 210 acre project site within areas A, B, C and D shown on the approved site plan. The Temporary Events program may include: 25 events with up to 500 people; 50 events with up to 300 people and 50 events with up to 200 people. Multiple Temporary Events may occur on a single day (per attached Transportation Demand Management Plan dated September 1, 2015); the number of Temporary Events per year shall not exceed 125.
2. This authorization, once vested, shall remain valid for a period of 20 years from its effective date.

Conditions to be completed prior to issuance of a construction permit

Required Permits

2. **Prior to holding any event**, the applicant shall obtain construction permits for any structure proposed for public assembly including but not limited to conversions of existing barns and residential structures and all new structures if required by ordinance or code. Plans shall be prepared or certified by the licensed architect or engineer of record.

Fees

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

Biological Resources

4. (BIO-1) Prior to project initiation, all applicable agency permits with jurisdiction over the project area (e.g., County, CDFW, Corps, USFWS, and RWQCB) shall be obtained (as necessary based on actual project design). These agencies will likely impose additional mitigation measures to ensure avoidance or mitigation of potential impacts.
5. (BIO-10) If proposed activities are planned for Event Area C, the Applicant will consult with the USFWS regarding potential impacts to CRLF. If the proposed access road crossing through Ephemeral Drainage One is conducted, then the Applicant will consult with the Corps for the appropriate permit. The Corps will then be the responsible agency for consultation with the USFWS.

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

Site Development

6. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan.

Services

7. **At the time of application for construction permits**, the applicant shall submit evidence that all existing septic system are adequate to serve the proposal.

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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.

Traffic and Circulation

9. (TR-1) **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 road and/or streets improvements to County Public Improvement Standards, unless design exceptions are approved by the respective agency:
 - a. Widen State Route 227 at its intersection with Greengate Road to provide standard left-turn channelization in accordance with Caltrans California Highway Design Manual, Chapter 400, within necessary dedicated right-of-way. A Caltrans encroachment permit will be required.
 - b. Widen Greengate Road from State Route 227 to the northerly-most event access driveway (Event Area B) to an A-1b rural road section, and within necessary dedicated right-of-way easements. Improvements to also include:
 - i. Minimum 20-foot wide paved road
 - ii. Typical 4-foot wide aggregate base shoulders both sides. Shoulder width may be reduced to save existing trees where allowed by an approved Design Exception (Section 1.2 Public Improvement Standards).
 - iii. Sawcut approximately 2-feet to remove and replace existing easterly edge of pavement to competent road section and to provide a minimum 20-foot wide paved road section.
 - iv. Trim existing California pepper trees as necessary to provide improved visibility and sight distance
 - c. Widen Greengate Road along its southerly approach to State Route 227 to provide a paved shoulder taper in substantial conformance with B-1e standards.
 - d. All existing and proposed driveway approaches on Greengate Road used for event access shall be improved in accordance with County Public Improvement Standard B-1 & A-5 Series drawings.
 - e. Construct a new paved driveway approach on Corbett Canyon Road in accordance with County Public Improvement Standard B-1 & A-5 Series drawings.
 - f. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - g. Removal of all existing non-permitted obstructions from within the public rights-of-way along the project frontages (signs, fences, etc).
 - h. 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.
 - i. Utility plan showing all existing utilities and installation of all new utilities to serve the project.

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- j. Tree removal/retention plan for trees to be removed and retained associated with the required improvement to be approved jointly with the Department of Planning and Building.
 - k. Traffic control plan.
 - l. Sedimentation and erosion control plan.
10. (TR-2) **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 CALFIRE standards and specifications back to the nearest public maintained roadway.
11. (TR-3) **At the time of application for construction permits**, the applicant shall enter into an agreement and post a deposit with the county for the cost of checking the improvement plans and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

Water and Hydrology

12. (HYD-1) **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.
13. (HYD-2) **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.

Conditions required to be completed prior to the issuance of construction permits

14. (TR-9) **Prior to issuance of construction permits**, the applicant shall offer for dedication to the public right-of-way easements by separate document for Greengate Road widening purposes a sufficient width as necessary to contain all elements of the roadway prism. Offers are to be recorded by separate document with the County Clerk upon review and approval by Public Works.

Conditions required to be completed during construction/renovation activities

15. (BIO-11) Renovation of structures in Event Area D for project activities will be avoided during potential bat breeding/rearing periods (April to August).
16. (BIO-12) A qualified biologist shall conduct bat surveys within the area of proposed renovation within 30 days of proposed work to determine if bats are using the structures for a breeding roost. An additional survey immediately before work will occur to ensure no maternity colonies have moved into the structures. If no bats are detected then no further mitigation shall be implemented. If bats are observed roosting within the specified event areas, the Applicant shall consult with the County and the CDFW regarding avoidance measures to ensure no impacts to bats occur.

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

CALFIRE

17. (HZ-1) All buildings used for public assembly shall be provided with fire sprinklers in accordance with relevant provisions of the California Building Code.
18. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from CALFIRE of all required fire/life safety measures.

Department of Planning and Building

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

Transportation

20. (TR-4) **Prior to occupancy or final inspection**, a Registered Civil Engineer must certify to the Department of Public Works that all public improvements have been constructed or reconstructed to the satisfaction of the County Public Works Inspector and in accordance with County Public Improvement Standards; the project conditions of approval, including any related land use permit conditions; and the approved improvement plans. All public improvements shall be completed prior to occupancy or final inspection.

Water and Hydrology

21. (HYD-4) **Prior to issuance of construction permits**, the applicant may be required to offer for dedication to the public drainage easement(s) as necessary to contain both existing and proposed drainage features where those features accept public road storm flows. Offers are to be recorded by separate document with the County Clerk upon review and approval by Public Works.

Prior to Holding Events

CALFIRE

22. (HZ-2) **Prior to the conduct of Temporary Events**, a final Fire Protection Master Plan shall be submitted for review and approval of CALFIRE which documents the required fire flow to provide fire sprinklers for all buildings to be used for public assembly. The Fire Protection Master Plan may require the following items:
- a. All egress and exiting shall comply with Chapter 10 - Means of Egress of the 2013 California Fire Code to provide egress from the building(s) to the public way.
 - b. Parking.
 1. "No Parking - Fire Lane" signs will be required.
 2. Fire lanes shall be provided as set forth in the 2013 California Fire Code Section 503.
 3. Fire access shall be provided within 150 feet of the outside building(s) perimeter.
 4. Must be an all weather non-skid paved surface.
 5. All roads must be able to support a fire engine weighing 40,000 pounds.
 6. Vertical clearance of 13'6" is required.

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- c. Gates.
 1. All gates must be setback a minimum of 30-feet from the edge of the County roadway.
 2. Must automatically open with no special knowledge.
 3. Must have a KNOX key box or switch for fire department access. Call the Prevention Bureau for an order form at (805) 543-4244, ext. 3490.
 4. Gates shall have an approved means of emergency operation at all times. CA. Fire Code Section 503.6
 5. Gate must be 2 feet wider than the road on each side.
 6. Each gate must have a turnaround located directly adjacent to the approach.
 - d. Portable Fire Extinguishers. Portable fire extinguishers shall be installed throughout all the occupancies associated with this proposed project in compliance with the California Fire Code- Section 906 and Title 19. The contractor shall be licensed by the State Fire Marshal.
 - e. Combustible Material. Every building or portion of a building shall be maintained in a neat orderly manner, free from any condition that would create a fire or life hazard or a condition which would add to or contribute to the rapid spread of fire. CCR Title 19 Division 1.
 - f. Refuse containers must not be stored within 5 feet of combustible walls, openings, or combustible roof eaves, unless the refuse container is protected by an automatic sprinkler system installed in accordance with California Fire Code section 903.
 - g. Storage, Stockpiles and Enclosures. Areas must meet all applicable California Fire Code requirements and be labeled with NFP A 704 required placarding.
 - h. Public Assemblage and Events. Prior to Fire Department Review, proposed event area must first complete all requirements pursuant to Title 22, the San Luis Obispo County Land Use Ordinance. This includes receiving any necessary land use permit approval and issuance of construction and Conditional Use Permit requirements.
23. A fire safety review is required to ensure public safety in a place of assembly, or any other place where people congregate, including but not limited to; amusement buildings, carnivals and fairs, exhibits and trade shows, open burning, flames and torches, candles, places of assembly, temporary membranes structures and tents, pyrotechnics and special effects, live audiences and any event with public attendance over 250. The Fire Code Official shall have the authority to order the development of, or prescribe a plan for, the provision of an approved level of public safety.
24. A written plan must be submitted to the Fire Code Official 30 days prior to the event. Written submittal requirements will be in accordance with Section 404 Fire Safety and evacuation plans. A **field inspection verifying compliance of fire and life safety conditions must be conducted prior to public occupancy of the event.** If modifications or additions to the event areas are made, an updated permit & inspection must be completed. Local Ordinance and California Fire Code (CFC) section 105.
25. Any time a tent, canopy or membrane structure in excess of 400 square feet is erected; it must be placed and utilized in accordance with California Fire Code - Chapter 24. The applicant shall be required to notify County Fire a minimum of 48-hours in advance of any tent or membrane structure being placed on site. Submittal requirements can be found on line at www.calfreslo.org.

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26. **Fire Safety and Evacuation Plan.** Applicant shall provide a written Fire Safety plan whose contents shall be in accordance with sections California Fire Code Chapter 4 Emergency Planning and Preparedness. Employee training, record keeping, hazard communication and drills will also comply with this chapter. The written plan will include at a minimum the detail outlined in sections 404.3.1 (Evacuations Plans) and 404.3.2 (Fire Safety Plans). Fire evacuation plans shall include the following:
- a. Emergency egress or escape routes and whether evacuation of the building is to be complete or, where approved, by selected floors or areas only.
 - b. Procedures for employees who must remain to operate critical equipment before evacuating.
 - c. Procedures for assisted rescue for persons unable to use the general means of egress unassisted.
 - d. Procedures for accounting for employees and occupants after evacuation has been completed.
 - e. Identification and assignment of personnel responsible for rescue or emergency medical aid.
 - f. The preferred and any alternative means of notifying occupants of a fire or emergency.
 - g. The preferred and any alternative means of reporting fires and other emergencies to the fire department or designated emergency response organization.
 - h. Identification and assignment of personnel who can be contacted for further information or explanation of duties under the plan.
 - i. A description of the emergency voice/ alarm communication system alert tone and preprogrammed voice messages, where provided.

Health Department

27. **Prior to holding any Temporary Events**, the applicant shall contact the Environmental Health Department to verify water supply adequacy and potability as for the proposed project. The applicant shall contact Brad Prior of the Environmental Division to determine if an annual permit will be required for the water supply at this facility.
28. **Prior to holding any Temporary Events**, the applicant shall obtain all the appropriate Health Department permits. The Health Department will require the following information:
- a. 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 domestic water supply system.
 - b. Any service or sale of food or beverages for on-site consumption shall have all necessary approvals from the County Environmental Health Department.
 - c. Comply with all County Environmental Health Department approved pest and solid waste control plans.

Air Quality

29. Prior to holding any Temporary Events and for the life of the project, the applicant shall implement the following measures:
- a. Designated parking locations shall be:

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1. Paved when possible;
 2. Plant fast germinating non-invasive grass or low cut dense vegetation; or,
 3. Treated with a dust suppressant (see Technical Appendix 4.3 of the APCD's CEQA Handbook) such that fugitive dust emissions do not exceed the APCD 20% opacity limit and do not impact off-site areas prompting nuisance violations.
- b. Any unpaved roads/driveways that will be used for the special event shall be maintained with an APCD-approved dust suppressant such that fugitive dust emissions do not exceed the APCD 20% opacity limit and do not impact offsite areas.
 - c. The applicant may propose alternative measures of equal effectiveness by contacting the APCD's Planning Division at 781-5912.
30. **Prior to establishment of the Temporary Event program**, the applicant shall contact the APCD for specific information regarding operation equipment registration and APCD permits. The applicant shall submit to the Planning Department a copy of a letter of exemption for the above or a copy of any required APCD permits.

Temporary Event Rental Agreements

31. **Prior to occupancy or final inspection and 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 prescribe 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.

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

Time Frames

32. 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.
33. 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

34. **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

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planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.

Recycling

35. **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).

Noise Monitor

36. **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 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.

Transportation

37. (TR-5) **On-going condition of approval (valid for the life of the project)**, the property owner/s shall adhere to and enforce the intent of the *Transportation Management Plan* prepared by Pinnacle Traffic Engineering, dated September 1, 2015. Amendments to the *Transportation Management Plan* may be allowed but must be submitted by a registered civil or transportation engineer for prior approval by the County Planning and Building Department, in consultation with the Department of Public Works.
38. (TR-6) **On-going condition of approval (valid for the life of the project)**, the new Corbett Canyon Road driveway approach is access restricted to existing agricultural operations and site emergency access, but may be used for egress (no ingress) during events greater than 300 guests. The onsite roadway approach must be maintained by the property owner/s as necessary to prevent tracking soil and other materials onto the public roadway.
39. (TR-7) **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 county maintained 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.
40. (TR-8) **On-going condition of approval (valid for the life of the project)**, the property owner/s 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.

Water and Hydrology

41. (HYD-3) **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.

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Biological Resources

42. (BIO-2) To ensure no sedimentation or erosion reaches East Corral de Piedra Creek, the pond, the wetland, or downstream watercourses, impacts creating bare ground shall be avoided, as feasible. If impacts to bare ground are necessary for project activities, erosion and sediment controls will be installed and maintained until the areas are stabilized (e.g., revegetated).
43. (BIO-3) Refueling and equipment/vehicle maintenance shall occur at least 100 feet from all hydrologic features or over containment structures if 100 feet is not feasible. A spill kit shall be available during refueling. The Applicant will ensure that contamination of aquatic habitat does not occur during project operations.
44. (BIO-4) During project implementation, all special-status wildlife shall be avoided. No pursuit, capture, handling, or other forms of take shall occur to any special-status wildlife species unless otherwise authorized by regulatory agencies (i.e., USFWS, CDFW).
45. (BIO-5) To protect special-status bird species and those species protected by the Migratory Bird Treaty Act and/or the Fish and Game Code, vegetation management, amplified music, and nighttime lighting in Event Area C and D shall be avoided during the typical nesting season (February 1 to September 15). If avoidance is not feasible during this season, a qualified biologist shall survey the event area one week prior to activity beginning. 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 and a 80-foot buffer zone for raptors. All activity will remain outside of buffers until the qualified 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 in consultation with the County, the local CDFW biologist, and/or the USFWS.
46. (BIO-6) Project activities shall avoid disturbance to existing upland vegetation within 250 feet of the ponds edge in order to maintain potential nesting sites for pond turtles, if feasible.
47. (BIO-7) Impacts to vegetation in the vicinity of the pond, wetland, ephemeral drainages, and East Corral de Piedra Creek should be avoided or minimized to the extent needed for planned activities.
48. (BIO-8) Vegetation management, amplified music, and nighttime lighting within 250 feet of the pond shall not occur during the CRLF breeding season (November 1 to April 30).
49. (BIO-9) A qualified biologist shall monitor any vegetation removal within the pond or on the immediate margin to ensure CRLF are not impacted. The biologist shall halt work if CRLF are discovered and the animal allowed to leave on its own. However, if the appropriate permits are authorizations are received from the USFWS, CRLF may be moved out of harm's way in accordance with requirements from the USFWS.

Temporary Events – Notification

50. The applicant shall provide notification to owners of property within a minimum of 1,000 feet of the exterior boundaries of the proposed site, through an email or letter. 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;

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- 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.

Temporary Events – Days and Hours

- 51. Temporary Events shall last no more than one day each. Temporary Events may not occur more than 12 consecutive days. Temporary Events may not occur more than 4 consecutive weekends.
- 52. Temporary Events shall start no sooner than 10 a.m. and end by 10 p.m. each day. Facility set up and clean up shall be allowed between the hours of 8 a.m. to 11 p.m. All guests of an Event shall be off the property by 10:30 p.m.

Temporary Events – Lighting

- 53. The 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.
- 54. 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.

Temporary Events – Noise

- 55. The project shall comply with the noise limits in the County Noise Element. From 7 a.m. to 10 p.m. (daytime), noise levels at the project property line shall not exceed an hourly average of 50 dB, with a maximum level of 70 dB, and a maximum impulsive noise level of 65 dB. From 10 p.m. to 7 a.m. (nighttime), noise levels at the property line shall not exceed an hourly average of 45 dB, with a maximum level of 65 dB, and an impulsive noise level of 60 dB.
- 56. Temporary Events, including outdoor amplified music, may be conducted between the hours of 10 a.m. and 10 p.m.
- 57. (N-2) Temporary Events with outdoor amplified music shall not to be permitted past the hour of 10 p.m.
- 58. (N-1) Sound levels experienced within event areas 50 feet from the source shall not exceed 85 decibels. Loudspeakers shall be positioned so that they are directed away from neighboring properties. Where practical, the activity areas at the event sites shall make use of existing structures as acoustic shielding to provide further protection for neighbors.

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Violation

59. It is unlawful for any person to use or allow the use of property in violation of the provisions of this Section. The penalties for violation of this Section are set forth in Chapter 22.74 of this Title (Enforcement). Additional penalties for violation of this section may include revocation of the land use permit. A land use permit, including any Zoning Clearance, may not be issued if there is an active violation on the site or if 3 substantiated complaints have been received by the Department in any consecutive six month period. If substantiated complaints have been received by the Department more than three times in any consecutive six month period, this shall be grounds for revocation of the Land Use Permit consistent with this Title.