

RECOMMENDED CONDITIONS OF APPROVAL – MINOR USE PERMIT - "WISE VILLA WINERY COMMUNITY CENTER" (PMPB 20120092)

THE FOLLOWING CONDITIONS SHALL BE SATISFIED BY THE APPLICANT, OR AN AUTHORIZED AGENT. THE SATISFACTORY COMPLETION OF THESE REQUIREMENTS SHALL BE DETERMINED BY THE DEVELOPMENT REVIEW COMMITTEE (DRC), COUNTY SURVEYOR, AND/OR THE PLANNING COMMISSION.

- 1. This Permit authorizes the existing Wise Villa Winery, located at 4100 Wise Road in Placer County (Assessor's Parcel Numbers 031-310-036 and 031-310-037) to enable the existing winery and tasting room to function as a "Community Center". This Permit also approves a Variance to the paving requirement in order to allow for a compacted, all-weather surface throughout the overflow/valet parking area in order to facilitate routine vineyard maintenance by large agricultural equipment movement throughout the vineyards.
- 2. Hours open to the public for the Community Center shall be 10:00 a.m. to 8:30 p.m., seven days a week, throughout the year. At 8:30 p.m., clean-up by staff will begin and will be allowed until 10 p.m. The events shall be further broken down as follows:
 - a) Smaller events (up to 50 people) consisting of agricultural, vineyard or wine/food pairing educational events, shall be allowed a maximum of four times per week.
 - b) Larger events (51-100 people) shall be allowed twice a month.
- 3. All events held at the site shall have an agricultural or wine/food educational component.
- 4. The project shall operate per the project description contained within the Initial Study. The community center shall have a maximum of 100 patrons per day. (EHS)
- 5. During larger events, where the overflow/valet parking area is utilized, parking attendants shall be provided by the owner.
- 6. If any new lighting is proposed with this project, it shall be of the fully cut-off, fully-shielded reflector design so that the light source is fully screened.
- 7. The applicant shall be required to provide a total of 73 parking spaces on-site, with three of those spaces allocated as handicapped parking spaces, and 40 of the spaces accommodated within the overflow/valet parking area.



- 8. The project shall conform to the Placer County Noise Ordinance. In order to minimize noise levels during events, the following conditions shall apply:
 - a) All events shall end by 8:30 p.m.. All activities, including on-site clean-up activities by staff, shall be completed by 10:00 p.m.
 - b) Amplified speech and amplified music shall be limited to the interior of the community center building as proposed.
 - c) Any outdoor music shall be non-amplified and shall be limited to the outdoor area located between the existing winery building and the recently-constructed tasting room/community center. No outdoor amplified music or speech will be allowed at any time.
 - d) While the main doors of the proposed community center building may open and close over the course of events held within the community center, the southern and eastern doors of the community center building shall remain in the closed position during events. MM XII.1 (PLN)

GRADING

9. The following standard note will be required on Grading Plans and will reduce any potential impact from construction noise to less than significant:

Construction noise emanating from any construction activities for which a Grading Permit is required is prohibited on Sundays and Federal Holidays, and shall only occur:

- a) Monday through Friday, 6:00 am to 8:00 pm (during daylight savings)
- b) Monday through Friday, 7:00 am to 8:00 pm (during standard time)
- c) Saturdays, 8:00 am to 6:00 pm

In addition, temporary signs 4 feet x 4 feet shall be located along the perimeter of the project, as determined by the Development Review Committee, at key intersections depicting the above construction hour limitations. Said signs shall include a toll free public information phone number where surrounding residents can report violations and the developer/builder will respond and resolve noise violations.

10. The following standard condition of approval wording shall be placed on the Grading Permit to ensure that no significant impacts to undiscovered archeological or paleontological resources will occur:

If any archeological resources artifacts, exotic rock (non-native), or unusual amounts of shell or bone are uncovered during any on-site construction activities, all work must stop immediately in the area and a County-approved professional archeologist shall be retained to evaluate the deposit. The Placer County Planning Division Services and the Department of Museums must also be contacted for review of the archeological find(s).

If the discovery consists of human remains, the Placer County Coroner and Native American Heritage Commission must also be contacted. Work in the area may only proceed after authorization is granted by the Placer County Planning Division Services. A note to this effect will be included in the general notes section of the Improvement Plans for the project. Following a review of the new find and consultation with appropriate experts, if necessary, the authority to proceed may be accompanied by the addition of development requirements which provide protection of the site and/or additional mitigation measures necessary to address the unique sensitive nature of the site.

- 11. Prior to commencement of operation of the community center, the applicant shall obtain a Grading Permit from ESD for all proposed grading and paving activities (per the requirements of Section II of the Land Development Manual [LDM] that are in effect at the time of submittal). Prepare an exhibit that demonstrates adequate drainage patterns, erosion control, and all proposed grading to the satisfaction of Development Review Committee. The exhibit shall include cross-sections and longitudinal slopes of all proposed drainage swales. (ESD)
- 12. Prior to commencement of operation of the community center, provide the ESD with a letter from the appropriate fire protection district describing conditions under which service will be provided. (ESD)
- 13. Appropriate BMPs (Best Management Practices) for stormwater quality and erosion control shall be installed and maintained as necessary for the protection of the local watersheds. Water quality treatment facilities/Best Management Practices (BMPs) shall be designed according to the guidance of the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction, for New Development / Redevelopment, and for Industrial and Commercial (or other similar source as approved by the Engineering and Surveying Department (ESD) such as the Stormwater Quality Design Manual for the Sacramento and South Placer Regions.

Construction (temporary) BMPs for the project may include, but are not limited to: Fiber Rolls (SE-5), Straw Bale Barrier (SE-9), Hydroseeding (EC-4), Silt Fence (SE-1), and revegetation techniques.

Storm drainage from on- and off-site impervious surfaces (including roads) shall be collected and routed through specially designed catch basins, vegetated swales, vaults, infiltration basins, water quality basins, filters, etc. for entrapment of sediment, debris and oils/greases or other identified pollutants, as approved by the Engineering and Surveying Department (ESD). BMPs shall be designed at a minimum in accordance with the Placer County Guidance Document for Volume and Flow-Based Sizing of Permanent Post-Construction Best Management Practices for Stormwater Quality Protection. Post-development (permanent) BMPs for the project include, but are not limited to: Vegetated Swales (TC-30).

All BMPs shall be maintained as required to insure effectiveness. The applicant shall provide for the establishment of vegetation, where specified, by means of proper irrigation. Proof of on-going maintenance, such as contractual evidence, shall be provided to ESD upon request. Maintenance of these facilities shall be provided by the project owners/permittees unless, and until, a County Service Area is created and said facilities are accepted by the County for maintenance. MM VI.1, MM IX.2 (ESD)

- 14. This project is located within the area covered by Placer County's municipal stormwater quality permit, pursuant to the National Pollutant Discharge Elimination System (NPDES) Phase II program. Project-related stormwater discharges are subject to all applicable requirements of said permit. Best Management Practices (BMPs) shall be designed to mitigate (minimize, infiltrate, filter, or treat) stormwater runoff in accordance with "Attachment 4" of Placer County's NPDES Municipal Stormwater Permit (State Water Resources Control Board NPDES General Permit No. CAS000004, Board Order 2003-005-DWQ). MM VI.2 (ESD)
- 15. All stormwater runoff shall be diverted around trash storage areas to minimize contact with pollutants. Trash container areas shall be screened or walled to prevent off-site transport of trash by the forces of water or wind. Trash containers shall not be allowed to leak and must remain covered when not in use. **MM IX.3 (ESD)**

ROADS/TRAILS

16. All on-site winery parking and circulation areas shall be improved with a minimum asphaltic concrete or Portland cement surface capable of supporting anticipated vehicle loadings. It is recommended that the pavement structural section be designed in accordance with recommendations of a soils/pavement analysis and should not be less than 2-inch Aggregate Concrete (AC) over 4-inch Class 2 Aggregate Base (AB) or the equivalent. The parking shall be designed in accordance with the requirements of the County Zoning Ordinance (Article 17.54.070 of the Placer County Code).

The valet/overflow parking spaces and circulation areas shall be at a minimum all-weather surfaced and capable of supporting a 40,000-pound fire truck. Minimum recommended surfacing on 90% compacted soil is 6" aggregate base.

17. Onsite traffic control measures shall be implemented that prevent "queuing" onto Wise Road. The Winery gate shall remain open whenever the winery is open to the public. Both gates (winery and residential) shall remain open for the duration of all special events and whenever the overflow / valet parking is in use. MM XVI.1 (ESD)

- 18. On street (Wise Road) parking for events is not permitted. All parking shall be provided on-site. (ESD)
- 19. Prior to commencement of operation of the community center, the project shall improve the public road entrance/driveway onto Wise Road to a Plate R-17, Land Development Manual (LMD) standard, with modifications as shown on the Site Frontage Plan dated August 6, 2012. The improvements shall be to pave the existing gravel taper to the west and to grade the existing bank as much as possible without compromising the existing utility pole. The improvements shall begin at the outside edge of any future lane(s) as directed by the DPW and the Engineering and Surveying Department (ESD). An Encroachment Permit shall be obtained by the applicant or authorized agent from ESD. The R-17 structural section within the main roadway right-of-way shall be designed for a Traffic Index of 7.5, but said section shall not be less than 3 inches Asphalt Concrete (AC)/8 inches Class 2 Aggregate Base (AB) unless otherwise approved by the ESD. (ESD)

AIR QUALITY

- 20. Prior to approval of a Grading Permit, on project sites greater than one acre, the applicant shall submit a Construction Emission/Dust Control Plan to the Placer County APCD. To download the form go to www.placer.ca.gov/apcd and click on Dust Control Requirements. If the APCD does not respond within twenty (20) days of the plan being accepted as complete, the plan shall be considered approved. The applicant shall provide written evidence, provided by APCD to the County, that the plan has been submitted to APCD. It is the responsibility of the applicant to deliver the approved plan to the County. The applicant shall not break ground prior to receiving APCD approval of the Construction Emission / Dust Control Plan, and delivering that approval to the County.
- 21. Include the following standard notes on the Grading Permit:
 - a) The contractor shall use CARB ultra low diesel fuel for all diesel-powered equipment.
 - b) In order to control dust, operational watering trucks shall be on site during construction hours. In addition, dry, mechanical sweeping is prohibited. Watering of a construction site shall be carried out in compliance with all pertinent APCD rules.
 - c) The prime contractor shall be responsible for keeping adjacent public thoroughfares clean of silt, dirt, mud, and debris, and shall "wet broom" the streets (or use another method to control dust as approved by the individual jurisdiction) if silt, dirt, mud or debris is carried over to adjacent public thoroughfares.
 - d) The contractor shall apply water or use other method to control dust impacts offsite. Construction vehicles leaving the site shall be cleaned to prevent dust, silt, mud, and dirt from being released or tracked off-site.

- e) During construction, traffic speeds on all unpaved surfaces shall be limited to 15 miles per hour or less.
- f) The prime contractor shall suspend all grading operations when wind speeds (including instantaneous gusts) are excessive and dust is impacting adjacent properties.
- g) In order to minimize wind driven dust during construction, the prime contractor shall apply methods such as surface stabilization, establishment of a vegetative cover, paving, (or use another method to control dust as approved by the individual jurisdiction).
- h) The contractor shall suspend all grading operations when fugitive dust exceeds Placer County APCD Rule 228 (Fugitive Dust) limitations. The prime contractor shall be responsible for having an individual who is CARB-certified to perform Visible Emissions Evaluations (VEE). This individual shall evaluate compliance with Rule 228 on a weekly basis. It is to be noted that fugitive dust is not to exceed 40% opacity and not go beyond the property boundary at any time. Lime or other drying agents utilized to dry out wet grading areas shall not exceed Placer County APCD Rule 228 Fugitive Dust limitations. Operators of vehicles and equipment found to exceed opacity limits will be notified by APCD and the equipment must be repaired within 72 hours.
- i) Construction equipment exhaust emissions shall not exceed Placer County APCD Rule 202 Visible Emission limitations. Operators of vehicles and equipment found to exceed opacity limits are to be immediately notified by APCD to cease operations and the equipment must be repaired within 72 hours.
- j) A person shall not discharge into the atmosphere volatile organic compounds (VOC's) caused by the use or manufacture of Cutback or Emulsified asphalts for paving, road construction or road maintenance, unless such manufacture or use complies with the provisions of Rule 217.
- k) During construction the contractor shall utilize existing power sources (e.g., power poles) or clean fuel (i.e. gasoline, biodiesel, natural gas) generators rather than temporary diesel power generators.
- 1) During construction, the contractor shall minimize idling time to a maximum of 5 minutes for all diesel powered equipment.
- m) During construction, no open burning of removed vegetation shall be allowed unless permitted by the PCAPCD. All removed vegetative material shall be either chipped on site or taken to an appropriate recycling site, or if a site is not available, a licensed disposal site.
- 22. Include the following standard note on all building plans approved in association with this project:
 - a) Stationary sources or processes (i.e. certain types of engines, boilers, heaters, etc.) associated with this project shall be required to obtain an Authority to Construct (ATC) permit from the APCD prior to the construction of these sources. In general, the following types of sources shall be required to obtain a permit: 1). Any engine greater than 50 brake horsepower,
 - 2). Any boiler that produces heat in excess of 1,000,000 Btu per hour, or 3) Any equipment or

process which discharge 2 pounds per day or more of pollutants. All on-site stationary equipment requiring a permit shall be classified as "low emission" equipment and shall utilize low sulfur fuel. Developers / contactors should contact the APCD prior to construction for additional information.

- b) To limit the quantity of volatile organic compounds in architectural coatings supplied, sold, offered for sale, applied, solicited for application, or manufactured for use within the District, all projects must comply with APCD Rule 218. Please see the PCAPCD website for additional information.
- c) In order to limit the emission of nitrogen oxides (NOx) from natural gas-fired water heaters, all projects that utilize gas fired water heaters must comply with Rule 246.
- d) As a part of the project design, the applicant shall include irrigation systems which efficiently utilize water (e.g., prohibit systems that apply water to non- vegetated surfaces and systems which create runoff).

ENVIRONMENTAL HEALTH

- 23. Portable toilets are prohibited for use onsite.
- 24. Small events (up to 50 people) and large events (51-100 people) cannot occur on the same day.
- 25. Contact Environmental Health Services, pay required fees, and obtain an approved Site Evaluation Report and Construction Permit, and as approved, install an on-site sewage disposal system for the winery and community center. Connect the tasting room/ community center to the new system. (COMPLETED)
- 26. Road cuts, grading, or new structure construction must not conflict with the approved sewage disposal area and replacement area and maintain required setback distances specified in Placer County On-Site Sewage Manual, Chapter 36, Table 1.
- 27. The approved on-site sewage disposal system areas and the 100% replacement areas must remain unaltered and available, free of vehicular traffic, parking, structures of any type, or soil modification.
- 28. Prior to building permit approval for the tasting room/ community center construct a public water well under permit with Environmental Health Services and submit required water quality and quantity testing. (COMPLETED)
- 29. Prior to construction of an approved public water system submit the required plans and information and obtain approval from Environmental Health Services.
- 30. Prior to occupancy of the tasting room/ community center, the project will be required to construct all necessary improvements for a public water supply system, and apply for and receive approval for a

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public water system meeting all the standards and testing requirements as specified by Environmental Health Services. MM IX.1, MM XVII.1 (EH)

- 31. Prior to approval of a Building Permit for the kitchen, contact Environmental Health Services, pay required fees, and apply for a plan check. Submit to Environmental Health Services, for review and approval, complete construction plans and specifications as specified by the Division. (COMPLETED)
- 32. Contact Environmental Health Services, pay required fees, and obtain a permit to operate a food establishment prior to opening for business. All food handling operations shall comply with the requirements of Placer County Code and California Uniform Retail Food Code.
- 33. Submit to the Environmental Health Services a "will-serve" letter from the franchised refuse collector for weekly or more frequent refuse collection service.
- 34. The restroom facilities in the existing winery building are for employees only. A sign shall be posted stating that these restrooms are not for public use.
- 35. A sign shall be posted on all plumbing fixtures in the existing winery building outlining the nitrate levels in the water supply to these fixtures. The appropriate language for the sign can be obtained from Environmental Health Services.
- 36. Bottled water for drinking shall be made available to employees in the existing winery building.
- 37. Disposal of all winery production liquid and solid waste shall be in accordance with local and state rules and regulations. Contact the California Regional Water Quality Control Board regarding their filing and discharge requirements.
- 38. Hazardous" materials as defined in Health and Safety Code Division 20, Chapter 6.95, Articles 1 & 2 shall not be allowed on any premises in regulated quantities without notification to Environmental Health Services.

Prior to final occupancy/tenant improvement approval, the property owner/ occupant shall submit a Hazardous Materials Project/Business Activities Screening Form to the Environmental Health Services Technician, for review and approval.

MISCELLANEOUS

39. The applicant shall defend, indemnify, and hold harmless the County of Placer, the County Board of Supervisors, the County Planning Commission, and its officers, agents, and employees, from any and all actions, lawsuits, claims, damages, or costs, including attorneys fees awarded in any proceeding brought in any State or Federal court, challenging the County's approval of that certain Project know as the Wise Villa Winery Community Center. The applicant shall, upon written request of the County pay, or at the County's option reimburse the County for, all

reasonable costs for defense of any such action and preparation of an administrative record, including the County staff time, costs of transcription and duplication. The County shall retain the right to elect to appear in and defend any such action on its own behalf regardless of any tender under this provision. This indemnification obligation is intended to include, but not be limited to, actions brought by third parties to invalidate any determination made by the County under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) for the Project or any decisions made by the County relating to the approval of the Project. Upon written request of the County, the applicant shall execute an agreement in a form approved by County Counsel incorporating the provisions of this condition.

- 40. A final revised approved site plan with site specific detailing shall be submitted with the Grading Permit. (BLD)
- 41. Revise the site plan to show the minimum number of accessible parking spaces based upon CBC Table 11B-6 or revise to meet the valet parking requirements. Based on the total number of proposed parking spaces, a minimum of 3 accessible parking spaces are required. The code provides no exception to the number of accessible parking spaces for overflow or valet parking and requires minimum accessible parking spaces based on Table 11B-6 of the California Building Code. If the valet parking spaces themselves trigger the 3rd accessible parking space, the CBC §1131B.3 can be used in lieu of the 3rd accessible parking space. (BLD)

EXERCISE OF PERMIT

42. This Conditional Use Permit is valid for two (2) years and will expire on December 30, 2014 unless exercised pursuant to Section 17.58.160 (B) of the Placer County Zoning Ordinance.