

## **A. General Conditions**

1. The proposed use shall be established in accord with the application material, Mitigated Negative Declaration, staff report to the Planning Commission and the approved site plan.
2. Within 60 days of approval of the use permit, the applicant shall submit a final development plan portraying the project as approved, including any modifications imposed by these conditions of approval.
3. The permit is issued for an indefinite period, subject to renewal every 5 years per Section 28.106(N) of the Solano County Code. The applicant shall file an application for renewal 60 days prior to each five year anniversary date (beginning August 3, 2022).
4. No additional uses or new or expanded buildings shall be established or constructed beyond those identified on the approved development plans without prior approval of a new, revised, or amended use permit.
5. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.
6. Failure to comply with any of the conditions or limitations set forth in the subject conditions of approval shall be cause for the revocation of this permit.

## **B. General Operating Standards from Chapter 28 (Zoning Regulations)**

The proposed use is subject to certain operating standards and requirements enumerated in Chapter 28, Article III. Among these standards are the requirement for the operator to take steps to:

1. **Prevent Offensive Noise, Dust, Glare, Vibration or Odor.** All uses of land and buildings shall be conducted in a manner, and provide adequate controls and operational management to prevent:
  - a. Dust, glare, vibration which are detectable beyond any property line, and
  - b. Noise that exceeds 65dBA LDN at any property line.
2. **Prevent Storm Water Pollution.** Any use of land or buildings shall contain measures to manage storm water to prevent any potential contaminants, processing wastes or by-products from entering any natural or constructed storm water facility or canal, creek, lake, pond, stream or river
3. **Manage Parking.** Adequate off-street parking shall be provided pursuant to Section 28-94 as well as Section 28.73.30(A) and (B)(6)(a)(6); parking areas and driveways shall be treated as necessary to control dust. Shall provide off-street parking in accordance with Section 28-94 in addition to paved parking spaces, aisles and pathways for the disabled in accordance with Building Code.

Per Section 28.73.30(B)(6)(a)(6), no parking shall be allowed within any road right-of-way for 1,000 feet in either direction of any access point or access located on the site. The applicant shall place signs along the interior access ways and at 300 foot intervals on the applicant's property along the road right-of-way indicating this parking restriction. These signs shall be posted no earlier than the day before the event and shall be removed no later than the day following the event.
4. **Manage the Removal of Natural Material.** Removal of natural material 1) shall prevent

offensive noise, dust, vibrations or standing water from occurring beyond any property line; 2) shall not create finished grades of a greater slope than two to one; and 3) shall be so located that generated traffic will not constitute a hazard or nuisance to surrounding property.

5. **Manage Solid Waste and General Liquid Waste Storage and Disposal.**

- a. All uses are prohibited from discharging liquid, solid, toxic, or hazardous wastes onto or into the ground and into streams, lakes, or rivers except as allowed by applicable local, State and federal laws and regulations.
- b. The handling and storage of hazardous materials, the discharge of hazardous materials into the air and water, and the disposal of hazardous waste in connection with all uses shall be in conformance with all applicable local, State and federal regulations.
- c. All burning of waste materials accessory to any use shall comply with the Yolo-Solano Air Quality Management District or the San Francisco Bay Area Air Quality Management district based on geographic location of the activity specific to each air quality management district.
- d. The disposal or dumping of solid wastes accessory to any use, including, but not limited to, slag, paper and fiber wastes or other industrial wastes, shall be in compliance with applicable local, State, and federal laws and regulations.

**C. The Applicant shall obtain All Required Permits from other Agencies**

The use of lands and buildings may be subject to additional permits from the County of Solano or other public agencies. Prior to conducting any land use authorized under this permit, the applicant shall obtain any other federal, state or local permits required for construction or operation of the proposed winery.

**D. Building Division Conditions**

1. The Building and any site improvements shall be designed using the 2016 California Building Standards Codes including the mandatory measures found in the new 2016 California Green Building Code, Chapter(s) 1, 2, 3, 5, 6, 7, 8, and A5 for Voluntary Measures. The building shall meet all of the requirements for commissioning a Green Building due to the size exceeding 10,000 square feet. The commissioning information is found in Section 5.410.2 of the 2016 California Green Building Code. (CalGreen) The building shall be designed by a licensed and/or registered architect/engineer who is knowledgeable in Green Building Codes.
2. Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted as per Section 105 of the 2016 California Building Code. **“Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.”**
3. Certificate of Occupancy, Use and Occupancy. No building shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued either a temporary certificate of occupancy or a certificate of occupancy therefore as provided herein.”

4. A separate permit will be required for any grading.
5. A geotechnical/Soils Report will be required for any expansions to existing buildings or for the construction of new buildings.
6. The building permit plans shall include a code analysis as listed below and the design shall be under the 2016 California Codes and all current rules, regulations, laws and ordinances of the local, state and federal requirements. Upon building permit submittal, the licensed architect shall provide a code analysis for each building or structure such as:
  - a. Occupancy Classification
  - b. Type of Construction
  - c. Seismic Zone
  - d. Location on Property
  - e. Height of all buildings and structures
  - f. Square footage
  - g. Occupant Load
  - h. Allowable Floor Area
  - i. Height and Number of Stories
7. Plans and Specifications shall meet the requirements as per Section 107 of the 2016 California Building Code. **“Construction documents, statement of special inspections and other data shall be submitted in one or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.” Electronic media documents are permitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official.”**
8. The site and all facilities shall meet all of the accessibility requirements found in Chapter 11B of the 2016 California Building Code. The designer is required to design for the most restrictive requirements between ADA Federal Law and the 2016 California Building Code. The Solano County Building Division will be reviewing the plans for the most restrictive requirements of the two. There shall be a complete site plan, drawn to scale, and designed by a licensed architect reflecting all site accessibility.
9. All accessible paths of travel and parking areas shall be a hard-scaped surface and shall meet all of the worst case requirements between Chapter 11B of the 2016 California Building Code and the ADA Federal Law.
10. The fire district will reassess the site for fire life and safety requirements.

#### **E. Environmental Health Division Conditions**

1. **Hazardous Materials** – The operator shall be in compliance with all hazardous materials and hazardous wastes laws and regulations. A Hazardous Materials Business Plan that includes chemical inventories, emergency response plan, and employee training plan. is required if hazardous materials or wastes stored on-site meet or exceed 55 gallons liquid, 200 cubic feet

of gas and / or 500 pounds of solid. The operator must create and submit a Hazardous Materials Business Plan in the California Environmental Reporting System.

2. **Water Supply System** - The proposed project will use onsite wells and meet the threshold of the 25 or more persons per day, on average for any 60-day period. The use of the existing water wells to provide potable water for employees, visitors, and development of a commercial/retail food service will require evaluation by and potentially permit from the State of California Department of Public Health Division of Drinking Water (CDPH). If CDPH does not permit the water system as a Small Community Water System, then under the Use Permit the water used for commercial/ retail food service will meet the standards for potable drinking water. The water system will need to comply with all pertinent state and local requirements, including financial assurances, monitoring, reporting, and meeting potable water quality standards. Ala Lilichenko, DPH may be contacted at 510 620-3601 for permitting requirements and information. Additionally, even if a DPH permit is not necessary any water served or used in retail food preparation must be in compliance with potable drinking water standards. The proposed public water provider is the Suisun-Solano Water Authority. A "will serve" letter shall be provided from this agency with its ability and intention to provide public potable drinking water to this project.
3. **Waste Water Disposal** - The proposed wastewater generated from employees, visitors to the tasting room, and event guests is anticipated for permitting and oversight by the California Regional Water Quality Control Board (San Francisco Bay Region) (SFRWQCB) under Waste Discharge Requirement (WDR) permit. Regulatory requirements for the waste water disposal will include financial assurances and ongoing monitoring and maintenance requirements, including the designation of a qualified responsible operator. Melissa Gunter, with SF RWQCB, 510 622-2390 may be contacted for system evaluation. In conversations with Melissa Gunter of SFRWQCB it is likely that the domestic type wastewater system will be delegated to Solano County for review, siting, and permitting for construction. If the domestic type wastewater system is classified as an alternative type system per Solano County Code, Chapter 6.4 due to limiting soil and groundwater conditions then an operations and maintenance permit will be required on an annual basis.

Occasional special events with attendees of up to 450 people may be supplemented with the use of approved portable toilet units for these types of occasional temporary events.

If there is use of reclaimed water (treated wastewater containing toilet waste) for irrigation will require approval and additional monitoring from the California Department of Public Health and/or the RWQCB.

4. **Commercial Kitchen/Food Service** - Food permits shall be obtained for the delicatessen and the wine tasting room, if food is offered for sale or service other than the serving of crackers. Plans and specifications for both facilities shall be submitted to the Consumer Section of the Environmental Health Division for review and approval prior to commencing construction.

A Special Event Organizer's Permit is required for on-site events open to the public with 2 or more food vendors. A Special Event Organizer's Permit application shall be submitted to the Consumer Section of the Environmental Health Division at least 30 days in advance of the event. All food vendors operating at these events shall submit Special Event Food Vendor Applications and obtain food permits at least 30 days in advance of the event.

## **F. Fire District Conditions**

1. Plans submitted for building permit must meet all requirements of the Uniform Building and Fire Codes. Occupancies will be determined by the County Building Official for restrictions.
2. New buildings may require protection by an automatic fire sprinkler system. System plans must be submitted to the Suisun Fire Protection District for permit, plan review and field inspections.
3. Other Fire Protection Systems and Alarms may be required pending occupancy use.
4. Public events on-site may have special requirements.
5. Access Road and building approach must meet County and Fire Code Standards.
6. Occupant load and exits will be determined upon submission of plans for building permit.
7. The access road must meet all Solano County requirements for use as a commercial driveway. This may include adequate turning radius or approved turnarounds capable of supporting fire apparatus.
8. Any gate entrances shall be at least 16 ft. wide. If gate is locked, it will be required to be provided with approved fire department access device.

#### **G. Planning Division Conditions**

1. **Tasting Facility.** The tasting facility must be no larger than 5,000 square feet or 30 percent of the size of the processing facility, whichever is less. Size shall be determined by measuring the total roof covered area.
2. **Production Reporting.** The winery operator shall report at the end of each calendar year to the Department of Resource Management the total gallons of wine produced, in bulk and bottles combined, during the calendar year. Such reporting may alternatively include proof of payment of the annual license renewal fee to the Department of Alcoholic Beverage Control (ABC), including the dollar amount of the fee paid.

The proposed winery is subject to minimum development standards which are enumerated in Section 28.23. The proposed winery shall be developed in compliance with the development standards enumerated in Table 28.23b and Table 28.23C.

3. **Design Review.** Design Review, as described in Section 28-23.103 of the Solano County Zoning Regulations, shall be required for all new construction requiring a building permit.

The applicant shall obtain design review approval from the Director of Resource Management prior to the issuance of any building permit for the proposed winery.

#### **H. Public Works – Engineering Conditions**

1. The Applicant shall apply for, secure and abide by the conditions of a grading permit prior to the construction of the private road and for all onsite grading. Public Works Engineering will require the submittal of a drainage plan showing all offsite and onsite improvements necessary to manage storm water issues related to this development.
2. The Applicant shall apply for, secure and abide by the conditions of an encroachment permit for any planned private road connections to Suisun Valley Road. All private roadway connections to public roads shall meet Solano County Road Improvement Standards and Land Development Requirements.

3. The Applicant shall name and install private road signs for the private road shown on the site plan. The Planning Division shall approve the road name and Public Works Engineering shall approve the signs.
4. The Applicant shall be limited to one new private roadway connection to Suisun Valley Road, in the location shown on the site plan labeled as PRIMARY ACCESS. If alternate access points are pursued additional requirements may be required such as a left-turn lane on Suisun Valley Road.
5. Prior to construction of the private road the Applicant shall obtain and record a 50 foot wide access easement across the offsite properties identified as assessor's parcel numbers 0149-060-100 and 0149-060-130.
6. The Applicant shall construct the private roadway to County of Solano Road Improvement standards. The access road shall be constructed from the connection to Suisun Valley Road, across offsite parcels identified as assessor's parcel number 0149-060-100 and 0149-060-130 as shown on the site plan.
7. Prior to construction of the private road and any building pads, the Applicant shall submit grading plans for the proposed improvements to Public Works Engineering. Grading plans shall be prepared by a licensed Civil Engineer, the plans shall be reviewed and approved by the appropriate official from Public Works Engineering.
8. Prior to construction of the private road the Applicant shall record a road maintenance agreement that requires all lot owners to participate in the maintenance of the private roadway. The maintenance agreement shall include all roadway improvements, including culverts and drainage ditches. The agreement shall include the private roadway across the offsite parcels, identified as assessor's parcel numbers 0149-060- 100 and 0149-060-130.

#### **I. Mitigation Measure Conditions**

The County of Solano has prepared and adopted an Initial Study and Mitigated Negative Declaration (IS/MND) pursuant to the California Environmental Quality Act. The applicant is responsible to undertake, complete and comply with all mitigation measures from the IS/MND, as listed below:

##### **Aesthetics (Section 2.1)**

1. **Mitigation Measures 2.1a. Require Project to Comply with the Suisun Valley Design Guidelines.** The County will require the project to comply with the adopted Suisun Valley Design Guidelines as part of Design Review prior to any construction.
2. **Mitigation Measures 2.1d. Require Lighting and Building Materials that Minimize Glare and Reflectance.** The County shall require project applicants to implement the following measure as a condition of approval:
  - (1) Light fixtures shall be installed that have light sources aimed downward and shielded to prevent glare or reflection or any nuisance, inconvenience, and hazardous interference of any kind on adjoining streets or property.

##### **Air Quality (Section 2.3)**

3. **Mitigation Measures 2.3.a. Require Implementation of Measures to Reduce Construction-Related Exhaust Emissions.** The applicant, as a condition of project approval, shall be required to implement the following measures to further reduce

exhaust emissions from construction-related equipment:

- Commercial electric power shall be provided to the project site in adequate capacity to avoid or minimize the use of portable gas-powered electric generators and equipment.
- Where feasible, equipment requiring the use of fossil fuels (e.g., diesel) shall be replaced or substituted with electrically driven equivalents (provided that they are not run via a portable generator set).
- To the extent feasible, alternative fuels and emission controls shall be used to further reduce NO<sub>x</sub> and PM<sub>10</sub> exhaust emissions.
- On-site equipment shall not be left idling when not in use.
- The hours of operation of heavy-duty equipment and/or the amount of equipment in use at any one time shall be limited.
- Construction shall be curtailed during periods of high ambient pollutant concentrations; this may involve ceasing construction activity during the peak hour of vehicular traffic on adjacent roadways or on Spare the Air Days.
- Staging areas for heavy-duty construction equipment shall be located as far as possible from sensitive receptors.
- Before construction contracts are issued, the project applicants shall perform a review of new technology, in consultation with BAAQMD, as it relates to heavy-duty equipment, to determine what (if any) advances in emissions reductions are available for use and are economically feasible. Construction contract and bid specifications shall require contractors to utilize the available and economically feasible technology on an established percentage of the equipment fleet. It is anticipated that in the near future, both NO<sub>x</sub> and PM<sub>10</sub> control equipment will be available.

**4. Mitigation Measures 2.3.b. Require Implementation of Measures to Reduce Fugitive PM<sub>10</sub> Dust Emissions.** The applicant, as a condition of project approval, to implement the following enhanced and additional control measures recommended by BAAQMD and YSAQMD to further reduce fugitive PM<sub>10</sub> dust emissions:

- Hydroseeding shall be used or nontoxic soil stabilizers shall be applied to inactive construction areas (previously graded areas inactive for 10 days or more).
- Exposed stockpiles (e.g., dirt, sand) shall be enclosed, covered, or watered twice daily, or nontoxic soil binders shall be applied to such stockpiles.
- Traffic speeds on unpaved roads shall be limited to 15 mph.
- Sandbags or other erosion control measures shall be installed to prevent runoff of silt to public roadways.
- Vegetation shall be replanted in disturbed areas as quickly as possible.
- Wheel washers shall be installed on all exiting trucks, or the tires or tracks of all trucks and equipment leaving the site shall be washed off.
- Windbreaks shall be installed or trees/vegetative windbreaks shall be planted at windward side(s) of construction areas.
- Excavation and grading activity shall be suspended when winds (instantaneous gusts) exceed 25 mph.
- The area subject to excavation, grading, and other construction activity at any one time shall be limited, as necessary.

**Biological Resources (Section 2.4)**

5. **Mitigation Measures 2.4.a. Require the Applicant to Apply for and Obtain a Corps 404 permit, Water Board 401 certification and CDFW Streambed Alteration Agreement.** . The applicant shall apply for and obtain any required permits from the Corps (CWA Section 404 permit), Water Board (CWA Section 401 water quality certification), and CDFW (Fish and Game Code Section 1602 Streambed Alteration Agreement) prior to construction.
6. **Mitigation Measures 2.4.b. Require the Applicant to Apply for and Obtain a Stormwater Pollution Prevention Plan (SWPPP).** The applicant shall apply for and obtain a Stormwater Pollution Prevention Plan (SWPPP) in accordance with National Pollution Discharge Elimination System (NPDES) and Water Board requirements. The SWPPP shall include the following major components:
  - A comprehensive erosion and sediment control plan, depicting areas to remain undisturbed and providing specifications for revegetation of disturbed areas.
  - A list of potential pollutants from building materials, chemicals, and maintenance practices to be used during construction and the specific control measures to be implemented to minimize release and transport of these constituents in runoff.
  - Specifications and designs for the appropriate best management practices (BMPs) for controlling drainage and treating runoff in the construction phase.
  - A program for monitoring all control measures that includes schedules for inspection and maintenance and identifies the party responsible for monitoring.
    - A site map that locates all water quality control measures and all restricted areas to be left undisturbed.
7. **Mitigation Measures 2.4.c. Require Pre-Construction Surveys for Bats.** To avoid “take” of special–status bats, the following mitigation measures shall be implemented prior to the removal of any existing trees or structures on the project site:
  - a) A bat habitat assessment shall be conducted by a qualified bat biologist during seasonal periods of bat activity (mid–February through mid–October – ca. Feb. 15 – Apr. 15, and Aug. 15 – October 30), to determine suitability of each existing structure as bat roost habitat.
  - b) Structures found to have no suitable openings can be considered clear for project activities as long as they are maintained so that new openings do not occur.
  - c) Structures found to provide suitable roosting habitat, but without evidence of use by bats, may be sealed until project activities occur, as recommended by the bat biologist. Structures with openings and exhibiting evidence of use by bats shall be scheduled for humane bat exclusion and eviction, conducted during appropriate seasons, and under supervision of a qualified bat biologist.
  - d) Bat exclusion and eviction shall only occur between February 15 and April 15, and from August 15 through October 30, in order to avoid take of non–volant (non–flying or inactive, either young, or seasonally torpid) individuals.
  - e) A qualified wildlife biologist experienced in surveying for and identifying bat species should survey the portion of the oak/bay woodland habitat where tree removal is proposed to determine if any special–status bats reside in the trees. Any special– status bats identified should be removed without harm. Bat houses sufficient to shelter the number of bats removed should be erected in open space



areas that would not be disturbed by project development.

### **Cultural Resources (Section 2.5)**

- 8. Mitigation Measures 2.5.a. Accidental or Unexpected Encounter of Human Remains.** If human remains are encountered, excavation or disturbance of the location must be halted in the vicinity of the find, and the county coroner contacted. If the coroner determines the remains are Native American, the coroner will contact the Native American Heritage Commission. The Native American Heritage Commission will identify the person or persons believed to be most likely descended from the deceased Native American. The most likely descendent makes recommendations regarding the treatment of the remains with appropriate dignity.

### **Greenhouse Gas Emissions (Section 2.7)**

- 9. Mitigation Measures 2.7.a. Require Tier-3 Compliant Construction Equipment.** Equipment utilized during grading and construction shall meet Tier-3 standards of emission control.

### **Hydrology and Water (Section 2.9)**

- 10. Mitigation Measures 2.9.a. Require the Applicant to Apply for and Obtain a Wastewater Discharge Permit from the San Francisco Regional Water Quality Control Board.** The applicant shall obtain, if required, a Wastewater Discharge Permit from the San Francisco Regional Water Quality Control Board.
- 11. Mitigation Measures 2.9.b. Require the Applicant to Apply for and Obtain a Grading permit from the County of Solano.** The applicant shall obtain a grading permit issued by the County of Solano prior to operation.

### **Noise (Section 2.12)**

- 12. Mitigation Measure 2.12.a. (Construction Noise):** The project contractor(s) shall limit all noise-producing construction related activities, including the operating of any tools or equipment used in construction, grading or demolition work, to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No activity shall take place on Sunday, except by written permission of the Director of Resource Management.

During all project site excavation and grading, the project contractors shall mitigate potential noise impacts from all construction equipment, fixed or mobile, by muffling and shielding intakes and exhaust (per the manufacturer's specifications) and by shrouding or shielding impact tools.

The project contractor shall place all stationary construction equipment (such as compressors and generators) so that emitted noise is directed away from sensitive receptors (residential areas) nearest the project site.

The contractor shall locate equipment staging in areas that will create the greatest distance between site-related noise sources and noise-sensitive receptors (residential areas) nearest the project site during all project construction.

**Utilities and Service Systems (Section 2.16)**

**13. See Mitigation Measure 2.9.a. (Water Quality).**

**14. See Mitigation Measures 2.9.b. (Require the Applicant to Apply for and Obtain a Grading permit from the County of Solano).**