

## CONDITIONS OF APPROVAL

### Conditional Use Permit S18-0003/Marcelais Mine Winery Planning Commission/November 8, 2018

#### Planning Services

1. This Conditional Use Permit is based upon and limited to compliance with the project description, the Site Plan (Exhibit F), and the Conditions of Approval set forth below.

The project description is as follows:

A Conditional Use Permit to operate a micro-winery consisting of:

- a. The production and storage of wine;
- b. Wine bottling and cellaring to occur within the inspection-exempt barn of the existing of a 1,500 square foot accessory building;
- c. A maximum production capacity of 400 cases per year
- d. No on-site sales, wine tasting, special events, or general public access; and
- e. All sales shall be direct-to-consumer, either online or via similar channels.
- f. No employees are allowed, except for the applicant and the property owners.

Any deviations from the project description, conditions, or exhibits shall be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The grading, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below.

2. The renovation of the inspection-exempt barn as a winery shall be subject to a building permit prior to use as a winery.
3. Noise associated with winery operations shall be limited to a time-averaged level of 50 dBA and maximum of 60 dB from 7 a.m. to 7 p.m., and an average of 45 dBA and maximum of 55 dBA from 7 p.m. to 10 p.m., measured at a point 100 feet away from the nearest residence, consistent with Chapter 130.37 of the Zoning Ordinance.
4. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold the County harmless from any legal fees or costs the County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

El Dorado County shall notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense.

### **Environmental Management Department**

5. State Law mandates that a minimum of 65% of the waste materials generated from covered Construction and Demolition projects must be diverted from being landfilled by being recycled or reused on site.
6. Waste Management and Recycling: AB 341 (Mandatory Commercial Recycling) requires all commercial facilities that generate at least 4 cubic yards of solid waste per week to recycle. The franchise waste hauler for the location of this facility is El Dorado Disposal (EDD). Before the facility opens please contact EDD to set up commercial waste and recycling service.
7. Mandatory Commercial Organics Recycling (MORe): AB 1826 (Mandatory Commercial Organics Recycling- "MORe") requires businesses to recycle their organic waste. MORe is being phased in based on amounts of organic and solid waste generated by facilities starting April 2016-2019 and on through 2021 (if applicable). Covered organic wastes include: food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper.
8. Hazardous Materials: Under the CUPA program, if the operation will involve the storage of reportable quantities of hazardous materials (55 gallons/liquid, 500lbs/solid, 200 cubic feet/compressed gas), a hazardous materials business plan for the site must be submitted to the County of El Dorado Community Development Services/Environmental Management Department via CERS (California Environmental Reporting System) and applicable fees paid.