



NAPA COUNTY CONSERVATION, DEVELOPMENT and PLANNING DEPARTMENT

Charles Wilson

1195 Third Street, Room 210 • Napa, CA 94559-3092

Director

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June 27, 2001

Amalia Palmaz
PALMAZ VINEYARDS WINERY
4031 Hagen Road
Napa CA 94559

RE: Use Permit #00243-UP
APN 33-110-059 (ptn), 49-270-015, 016, 017 (sfap) & 018 (ptn), 49-320-012 & 015

Dear Ms. Palmaz:

Please be advised that the above-referenced **Use Permit** was **APPROVED** by the Napa County Conservation, Development & Planning Commission on June 20, 2001 based on the attached conditions. The permit becomes effective on July 6, 2001, if not appealed pursuant to Napa County Code Chapter 2.88.

Pursuant to Section 18.124.080 of the Napa County Code, the use permit must be activated within one year and ten calendar days from the approval date, or it shall automatically expire and become void on **June 30, 2002**.

An extension of time in which to activate the permit may be granted for a maximum of 12 months, upon application no more than 45 days prior to expiration, and payment of fees in effect at the time of application.

This letter is your only notice regarding expiration and procedures for extension of this permission.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael Miller".

Michael Miller
Deputy Planning Director

cc. John Tuteur, Assessor
Gary Brewen, Building Codes Administrator
Larry Bogner, Public Works
Christine Secheli, Environmental Management
Barbara Easter, County Fire Department
Cathy Roche, Dickenson, Peatman and Fogarty

CONDITIONS OF APPROVAL
PALMAZ WINERY
00243-UP

1. The permit shall be limited to establishing a 35,000 gallon per year winery, in a single phase totaling 50,000 sq.ft. all within caves, with tours, tasting and retail sale of wine by prior appointment only, consistent with the attached materials, site plan and elevations. The winery project includes a wastewater treatment system that utilizes underground storage. Water for domestic use within the winery shall be imported and stored in an underground tank. Cave spoils shall be hauled off-site for disposal at approved locations prior to October 15 (except for the material needed for restoration work per the settlement). The access road will be modified to reduce grading needed and a loop road will be used. There will be no custom production.

Any other changes will require review and approval of a use permit modification by the Planning Division.

2. Compliance with all applicable building codes, zoning standards and requirements of various County departments and other agencies including the following:
 - The Department of Environmental Management comments dated Mar 7, 2001;
 - The Department of Public Works comments dated June 18, 2001;
 - The Building Division comments dated Feb 14, 2001;
 - The County Fire Department comments dated February 21, 2001.
3. Compliance with the 13 mitigation measures in the Project Revision Statement.
4. A detailed landscaping plan for the winery area including parking details shall be submitted to the Department for review and approval indicating the names and locations of plant materials along with the method of maintenance prior to the issuance of any building permits for the winery. Evergreen screening shall be installed between the cave portals and parking areas, and off-site residences that can view them. The landscaping shall be completed prior to the completion and final occupancy of the winery.
5. Parking shall be limited to the approved parking spaces only and shall not occur along access roads or in other locations except during harvest and approved marketing events. In no case shall parking impede emergency vehicle access.

6. Comply with the following Marketing Plan:

Private promotional tasting with meals.

Frequency: 4 times per year

Number of persons: maximum 40

Time of Day: 11:00 a.m. to 10:00 p.m. (\pm four hour events depending on a.m. or p.m. schedule) (All activity including cleanup to end at 10:00 p.m.)

Frequency: 2 times per year

Number of persons: maximum 50

Time of Day: 11:00 a.m. to 10:00 p.m. (All activity including cleanup to end at 10:00 p.m.)

7. All exterior lighting shall be the minimum necessary for the operational and security needs. The exterior lighting, except during crush, shall be on motion sensors and shall remain off to the maximum extent possible, and shall not be turned on after 10:00 p.m.
8. At least 75% of the grapes used to make the winery's still wine shall be grown within the County of Napa. The applicant shall report to the Department on an annual basis the source of grapes verifying that 75% of his approved production is from Napa County grapes. The report shall include the Assessor's Parcel Number and the grape tonnage. The report shall be proprietary and not available to the public. For the public record, the applicant shall annually submit to the Department for the file a statement regarding compliance with the sourcing requirement and indicating the percentage of Napa County grapes utilized.
9. Any signs for the winery shall first be reviewed and approved by the Department as to location, size, height, design, color and material. Any sign shall include legible wording "Tours, Tasting and Wine Sales by Appointment Only".
10. Any gate installed at the winery entrance shall be reviewed to assure that it is designed to allow a large vehicle such as a motorhome to turn around if the gate is closed without backing out into the public thoroughfare. If the gate is part of an entry structure, an additional permit will be required.
11. No winery facilities, nor portions thereof, including but not limited to offices, kitchens, barrel storage areas, and warehousing space shall be rented, leased or used by entities other than the on-site winery itself, except as may be specifically authorized pursuant to the Temporary Events Ordinance, (Section 5.36.010 of the Napa County Code).
12. All staff costs associated with monitoring compliance with these conditions, the previous permit conditions and project revisions shall be borne by the applicant and/or property owner, other than those costs related to investigation of complaints of non-compliance which are determined to be unfounded. Costs shall be as established by Resolution #95-77 or as such Resolution may be amended from time to time.

PROJECT REVISION STATEMENT
PALMAZ WINERY
00243-UP

I hereby revise my request to establish a new winery with an annual production capacity of 35,000 gallons in one phase within approximately 50,000 square feet of caves with tours and tasting by appointment and a marketing plan, erosion control plan for the construction of access roads, and a wastewater treatment system, to include the measures specified below:

Aesthetics/Light & Glare

The applicant will submit a landscape plan to the Napa County Conservation, Planning & Development Department for review and approval prior to building permit issuance that will substantially screen all parking, loading and cut slope areas from view from adjacent properties.

The project will incorporate an underground wastewater treatment system instead of installing above ground ponds.

All outdoor lighting shall be shielded and directed downward, be low level lighting and be kept as low to the ground as possible. Lights shall only be on when needed for winery operations or events.

Air Quality

Dust palliatives shall be used during construction grading activities to reduce the generation of particulate matter.

Pomace shall be removed from the property and disposed of properly, or be spread and tilled in the vineyard area that does not require a permanent cover crop, rather than stockpiled, to reduce potential odor generation.

The project will incorporate an underground wastewater treatment system instead of installing above ground ponds.

Biological Resources

A portion of the access road shall be relocated to comply with the setback requirements of the conservation regulations.

All improvements and mitigations shown on the approved erosion control plans will be installed and maintained.

Initial installation of erosion control measures shall be inspected by the county for compliance with the approved plans. The measures will be inspected on an ongoing basis for continued compliance as part of the normal mitigation monitoring required for the winery use permit.

The landscape plan shall emphasize native plants.

Cultural Resources

If any cultural resource is discovered during excavation or construction, all work in that vicinity will be halted until the resource has been analyzed by a qualified archaeologist for significance and recommendations for mitigation (if warranted) have been proposed and incorporated into the project according to the provisions of Section 15064.5 of the CEQA Guidelines.

In the event of the accidental discovery or recognition of any human remains, the following steps shall be taken:

There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: (A) The Napa County coroner has been contacted to determine that no investigation of the cause of death is required, and (B) if the coroner determines the remains to be Native American: 1, the coroner shall contact the Native American Heritage Commission within 24 hours., 2, the Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American, and 3, the most likely descendent may make recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or

Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance. (A) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission, (B) the descendant identified fails to make a recommendation; or (C) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

Work may continue on other portions of the project area while historical or unique archaeological resource mitigation takes place. For any archaeological or historical resource unearthed during construction, the mitigation shall be to avoid the physical demolition, destruction, relocation, or alteration of the resource or its immediate surrounding such that the significance of an archaeological or historical resource would be materially impaired.

Geology and Soils

Compliance with currently adopted building codes where applicable and the incorporation of the best available technology for cave design and construction will assure the maximum seismic safety and minimize potential exposure of persons working at or visiting the site.

Hazards and Hazardous Materials

Should the use, transport or storage of hazardous materials occur in amounts exceeding 55 gallons of liquids, 200 cubic feet of gas or 500 pounds of solids, a business plan shall be prepared and submitted to the Department of Environmental Health. Said plan shall ensure: 1) safe handling and storage practices of hazardous materials and to prepare personnel for accidents or emergencies involving these materials, 2) provide first responders with information regarding the types and amounts of hazardous materials stored within their districts, 3) meet the Community Right-To-Know mandate which recognizes that citizens have the right to know what types of hazardous materials are stored in the community, and 4) meet compliance with Chapter 6.95 of the California Health and Safety Code and Federal SARA Title III.

Employees and visitors shall be prevented from smoking except in designated areas equipped with appropriate fire preventing receptacles.

All construction and use of the facility shall comply with applicable fire safety standards, regulations, codes and ordinances.

Hydrology and Water Quality

Implementation of the proposed engineered Erosion Control measures for improvement of the existing road to the top portion of the winery will reduce potential impacts to water quality to insignificant levels. The winery access road will generally be crossed-sloped at 2 percent. An asphalt concrete berm will be constructed on the in-sloped road edge at the toe of cut slopes and in other paved areas to direct concentrated runoff to pre-cast concrete drop inlets. For paved areas constructed on fill, runoff will be allowed to sheet flow over the road edge in a diffused manner into vegetated and mulched areas, also covered by jute or coir netting. Underground piping will be double-wall corrugated polyethylene pipe (CPP) installed in a trench and backfilled in accordance with Napa County Department of Public Works standards. The piping system will discharge at various locations to existing grassed vineyard areas or naturally vegetated areas using perforated pipe diffusers installed on the ends of the discharge pipes. The diffused flow will be filtered through these grassy areas, which will also slow the rate of flow and allow greater opportunity for percolation. The attenuated flow will either discharge into the existing vineyard drainage system, which has already been approved by the county and installed, or travel overland, ultimately discharging to Hagen Creek. Diffusing water in this manner will have the effect of reducing potential increases to the peak runoff discharge from baseline conditions to an insignificant level.

An underground wastewater treatment system will be installed as proposed, and all treated process wastewater shall be used for irrigation of existing vineyards on the winery parcel.

All domestic water for the winery shall be trucked in and stored on site. No on-site water source shall be used for domestic purposes associated with the winery.

All domestic plumbing fixtures within the winery will be connected to the water storage tank filled by imported water. A meter will be installed at the tank to record all domestic water use. The applicant will provide the county with records of the meter readings along with manifests from a commercial bulk water company to the county for comparison on a bi-annual basis.

Noise

Construction noise and vibration annoyance will be mitigated to insignificant levels by restricting all construction activity to the hours of 8 a.m. to 7 p.m., keeping all vehicles properly muffled and backup alarms adjusted to the lowest allowable level, keeping blasting to a minimum, and adhering to the County Noise Control Regulations (Table 8.16.080).

Winery activity noise will be reduced by adequately muffling all winery equipment, restricting hours of winery operation, limiting the hours for marketing activities and eliminating amplified music or sound systems outdoors. The revised project will have a driveway loop that will reduce traffic noise at the closest off-site residence.

Transportation/Traffic

All deliveries and visitors to the winery during the school year shall be scheduled to avoid the times before and after the local schools when children would be going to or from school (7:45 – 8:30 AM and 2:30 – 3:30 PM, plus 12:45 – 1:15 PM Wed). Those same trips shall be routed to the extent possible to avoid driving directly by a school. An annual report shall be filed with the Department in January detailing the scheduling and routing plan and compliance.

The number of truck deliveries shall be limited in number to no more than 50 per year (not including normal truck traffic such as UPS, garbage service, etc), and no more than 4 on the busiest day. Compliance shall be covered by the annual report required above.

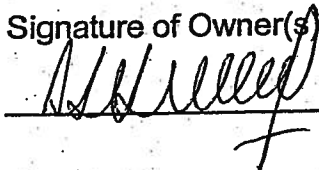
Large marketing events shall be limited to no more than 75 persons per event. Compliance shall be covered by the annual report required above

The owner/permittee shall petition the Board of Supervisors to install a stop sign at the westerly approach to the Hagen Road Third Avenue intersection within 30 days of project approval. Upon receipt of Board approval for the stop sign, said sign shall be installed at the owner's expense prior to occupancy of the winery.

All grapes grown on the property will be processed on-site. No grape exportation and subsequent importation to replace grapes is permitted.

All other mitigation measures necessary will be added to reduce identified potentially significant impacts to a less than significant level of impact as referenced in the Initial Study.

I understand and explicitly agree that with regards to all California Environmental Quality Act, Permit Streamlining Act, and Subdivision Map Act processing deadlines, this revised application will be treated as a new project, filed on the date this project revision statement is received by the Napa County Conservation, Development and Planning Department. For purposes of Section 66474.2 of the Subdivision Map Act, the date of application completeness shall remain the date this project was originally found complete.

Signature of Owner(s)	Print Name	Interest	Date
	AMALIA PALMAZ	OWNER	June 19, 2001