**PROPOSED CONDITIONS OF APPROVAL**

**NAPA COUNTY PLANNING, BUILDING & ENVIRONMENTAL SERVICES DEPARTMENT**

**BOARD OF SUPERVISORS**

**BOARD HEARING – NOVEMBER 22, 2014**

**WOOLLS RANCH WINERY**

**USE PERMIT & ROAD AND STREET STANDARDS EXCEPTION (P13-00187)**

**APN: #035-010-054**

1. **SCOPE:**

A. This permit shall be limited to establishing a new winery with an annual production capacity of 50,000 gallons as follows:

1. construct three new winery buildings with approximately 17,432 sq. ft. of floor area, including 13,060 sq. ft. for production uses and 4,372 for hospitality/administrative uses, including a commercial kitchen;
2. create approximately 7,454 sq. ft. of outdoor work area including a 3,450 sq. ft. covered crush pad;

3. provide on-site parking for 19 vehicles;

4. allow tours and tastings which may include food paring(s) by appointment (see COA No. 4A, below);

5. establish a Marketing Plan (see COA No. 4B, below);

6. establish hours of operation from 8:00 AM to 8:00 PM (10:00 AM to 5:00 PM tasting and 8:00 AM to 8:00 PM, non-harvest production), Seven days a week;

7. allow on-premise consumption pursuant to the Evans Bill (AB2004);

8. employ 10 or fewer people full-time;

9. install a new on-site winery process and domestic wastewater treatment system; and,

10. provide new landscaping, driveway improvements and signage.

The request also includes an exception to the County’s Road and Street Standards to allow the use of an existing 14’ wide access drive for a length of approximately 400-feet (of a 6,700-foot long access drive) with a proposed turnout meeting County standards. The remainder of the access drive will meet County standards.

B. The winery shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code. It is the responsibility of the applicant to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or changes in use shall be in accordance with Section 18.124.130 of the Napa County Code and may be subject to the Use Permit modification process.

C. Alternative locations for spoils and fire suppression tanks are permitted, subject to review and approval by the Director of Planning, Building, and Environmental Services, when such alternative locations do not change the overall concept, and do not conflict with any environmental mitigation measures or conditions of approval.

1. **PROJECT SPECIFIC CONDITIONS:**
2. Evans Consumption

Consistent with Assembly Bill 2004 (Evans) and the Planning Director’s July 17, 2008 memorandum, “Assembly Bill 2004 (Evans) & the sale of Wine for Consumption On-Premises,” on-premise consumption may occur solely in the winery building and the surrounding paved/courtyard area. Any and all visitation associated with on-premise consumption shall be subject to the 60 person maximum daily tours & tastings visitation limit and/or applicable limitations on permittee’s marketing plan (see COA No. 4, below).

1. Driveway Improvements

Prior to issuance of a certificate of occupancy for the winery building, the permittee shall complete all driveway improvements approved and/or required pursuant to this use permit. If any of the proposed improvements are infeasible, review and approval of a use permit modification shall be required for any alterations to the approved driveway improvement plans.

1. Driveway Sight Distance

Prior to final occupancy permit of the winery, the permittee shall complete the removal of the embankment along the southeast corner of the driveway, and install or provide shotcrete reinforcement or an approved equivalent, and shall submit an evaluation of its effectiveness for review and approval by the PBES Director. The evaluation shall be prepared by a licensed traffic engineer and shall include any additional recommendations or improvements. If any of the proposed improvements are infeasible, review and approval of a use permit modification shall be required for any alterations to the approved driveway improvement plans.

1. Visitation (Tours & Tastings/Marketing) – Wine and Food Pairings

Any food provided with wine during marketing activities may be provided by a licensed catering service.

1. Mitigation Measures

The permittee shall comply with all mitigation measures identified in the Initial Study/Mitigated Negative Declaration and Project Revision Statement, inclusive of the following:

1. Mitigation Measure BIO-1: The applicant/owner shall implement the following elements to avoid disturbing special-status bird nests as follows:
2. For earth-disturbing activities occurring during the breeding season (March 1 through July 31), a qualified wildlife biologist shall conduct preconstruction surveys of all potential nesting habitat for birds within 500 feet of earthmoving activities and related project construction activities.
3. If active bird nests are found during preconstruction surveys, a 500-foot no-disturbance buffer will be created around active raptor nests during the breeding season or until it is determined by a qualified biologist that all young have fledged. A 250-foot buffer zone would be created around the nests of other special-status birds. If non-special status active bird nests are present, the nests shall be left undisturbed. These buffer zones are consistent with CDFG avoidance guidelines; however, they may be modified in coordination with CDFG based on existing conditions at the project site.

If preconstruction surveys indicate that nests are inactive or potential habitat is unoccupied during the construction period, no further mitigation is required.

Applicant shall be responsible for conducting surveys. If species are found the CDFW shall be consulted to determine if any significant impacts are anticipated and what mitigation measures, if any, will be required.

1. Mitigation Measure BIO-2: The applicant/owner shall avoid disturbance to the roosts of special-status bats during the breeding season as follows:
   1. For earth-disturbing activities occurring during the breeding season (March 1 through August 31), a qualified biologist shall conduct preconstruction surveys of all potential bat breeding habitat within 200 feet of grading or earthmoving activities. If active roosts are identified during preconstruction surveys, a no-disturbance buffer acceptable in size to CDFG will be created around active bat roosts during the breeding season.
   2. If preconstruction surveys indicate that roosts are inactive or potential habitat is unoccupied during the earthmoving period, no further mitigation is required.

If earth-disturbing activities are delayed or suspended for more than one month after the preconstruction survey, the areas within 200 feet of earthmoving activities shall be resurveyed.

Applicant shall be responsible for conducting surveys. If species are found the CDFW shall be consulted to determine if any significant impacts are anticipated and what mitigation measures, if any, will be required.

1. Mitigation Measure GW-1: Managed pumping water levels in the Woolls Walker well.

Because groundwater levels can be expected to vary somewhat from year to year, due to natural, weather related variations, it is not possible to define a precise pumping rate or volume limit for the Woolls Walker Well that would result in a significant impact. Mitigation of this impact will therefore be achieved by establishing a maximum groundwater level depth in the Woolls Walker Well that will prevent the direct effect of pumping at the Woolls Walker Well from causing an interruption to the water supply for the Allen/Campbell properties. Specifically, the applicant shall:

1. Install automated water level monitoring equipment in the Woolls Walker well to record groundwater levels at 15-minute intervals to the nearest 0.1 foot.
2. Install an automated pump controller at the Woolls Walker well with the capability to modulate the pumping rate or stop pumping to ensure that the water level is no more than 320 ft. below ground surface due to operation of the pump.

Monitoring devices and protocol shall be done in accordance with the recommendations of a qualified hydrogeologist that is selected by the applicant and approved by the County. Monitoring shall commence within 6 months of issuance of this use permit. These measures shall continue as long as the Allen/Campbell well remains in use as a source of supply.

1. Mitigation Measure GW-2: Monitoring for direct impacts on spring discharges due to Winery well operation and water supply replacement.

The applicant shall implement the following monitoring and reporting measures, for a period of five years, to develop data regarding patterns in spring discharge relative to potential factors, including time of year, water year type, groundwater levels, and groundwater use by the applicant. These potential factors will be evaluated in relation to temporal patterns in spring discharge to provide a means by which a direct impact due to Winery well operation can be determined.

a. Install automated water level monitoring equipment at the Winery well to record water levels at intervals no greater than 6 hours to the nearest 0.1 foot.

b. Install a flow meter on pipes that convey water from the unnamed springs (i.e., Springs #1 and #2 in the Phase 2 WAA report) to the Simpson property and record monthly total flows or install shallow piezometers near these springs and record groundwater levels with automated transducers, if measurements of total spring discharge are not likely to be attained using flow meters on the conveyance pipes.

c. Record monthly and total annual groundwater pumping at the Winery well with a flowmeter.

d. Create an annual summary report of groundwater conditions at the Winery well and flows or groundwater levels at the unnamed springs based on the data described above.

If in the opinion of the hydrogeologist the monitoring data show a direct impact on spring discharges due to pumping at the Winery Well, the applicant shall implement alternate water supply measures to provide for a supply of water to the Simpson property, in accordance with the requirements of the Amended Water Easement (dated November 28, 2008). These shall entail replacement of the corresponding volume of spring discharge impacted by the applicant’s operations with water pumped from wells on the applicant’s property.

Monitoring devices, protocol and reporting shall be done in accordance with the recommendations of a qualified hydrogeologist that is selected by the applicant and approved by the County. Monitoring shall commence within 6 months of issuance of this use permit. All reports shall be submitted to the County Planning, Building and Environmental Services Department.

1. **Mitigation GW-3**: Monitoring for long-term impacts to the groundwater system in the vicinity of Woolls Ranch and water demand reductions.

The applicant shall implement the following monitoring and reporting measures, for a period of five years, to develop a record of groundwater conditions at the Woolls Ranch over time. These data will enable evaluation of groundwater levels to identify trends associated with seasonal weather patterns and precipitation totals, water year types, and groundwater use by the applicant.

1. Monitor groundwater levels continuously at all Woolls Ranch wells with automated pressure transducers and at least semi-annually (i.e., in spring and fall) by manual measurement to confirm the transducer data. Quarterly groundwater level measurements will also be recorded at the Allen/Campbell well, pending landowner authorization. Spring and fall manual groundwater levels will be measured to record the annual range of levels typically observed in aquifer systems in the region. When measured manually at the Woolls Ranch wells, groundwater levels will be recorded no sooner than 48 hours after the well last operated in order to collect data representative of aquifer conditions (static groundwater levels).
2. Monitor precipitation onsite or compile precipitation data records from the nearest publically available source.
3. Record annual groundwater pumpage with flow meters at all wells in production on the Woolls Ranch. Groundwater pumpage shall not exceed 16.47 af/yr in normal years and 18.21 af/yr in dry years.
4. No new on-site or off-site water sources, including but not limited to wells or imported water shall be permitted without additional environmental review and a modification to this use permit. A new Phase 2 Water Availability Analysis shall be required prior to drilling any new wells on the property.
5. Create an annual summary report of groundwater conditions on the Woolls Ranch based on the data described above.

If the monitoring data show an ongoing impact on spring season groundwater levels (continual lowering regardless of water year types) due to groundwater use at the Woolls Ranch, the applicant shall implement alternate demand reduction measures such that groundwater levels show stable conditions on a multi-year basis. Demand reduction measures shall include one or more of the following: subsurface irrigation, nighttime irrigations in lieu of daytime irrigations, and/or utilization of variable drip irrigation application rates through the use of multiple irrigation lines per row. These measures shall be applied adaptively and in accordance with the extent of any long-term groundwater level declines determined to be the result of Woolls Ranch operations.

Monitoring devices, protocol and reporting shall be done in accordance with the recommendations of a qualified hydrogeologist that is selected by the applicant and approved by the County. Monitoring shall commence within 6 months of issuance of this use permit. All reports shall be submitted to the County Planning, Building and Environmental Services Department.

1. No new on-site or off-site water sources, including but not limited to wells, imported water, new ponds/reservoir(s) or other surface water impoundments, or use of the existing pond shall be permitted without additional environmental review and a modification to this use permit. A new Phase 2 Water Availability Analysis shall be required prior to approval of any new water source(s) on the property.
2. Air Quality

During all construction activities the permittee shall comply with the Bay Area Air Quality Management District Basic Construction Mitigation Measures as provided in Table 8-1, May 2011 Updated CEQA Guidelines as follows:

1. All exposed surfaces (e.g. parking areas, staging areas, soil piles, grading areas, and unpaved access (road) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt tracked out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified visible emissions evaluator.
8. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.

(Source: Bay Area Air Quality Management District CEQA Guidelines Updated May 2011 Table 8-1 Basic Construction Mitigation Measures)

**3. COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES:**

Project conditions of approval include all of the following County, Division, Departments and Agency requirements. The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Divisions, Departments and Agencies at the time of submittal and may be subject to change, including, but not limited to:

1. Engineering Services Division as stated in their Memorandum dated September 20, 2013.
2. Environmental Health Division as stated in their Memorandum dated October 28, 2013.
3. Fire Department as stated in their Memorandum dated July 23, 2012.
4. Public Works Department as stated in their Memorandum dated August 8, 2013.
5. Sheriff Department as stated in their comments dated June 17, 2013.

The determination as to whether or not the permittee has substantially complied with the requirements of other County Divisions, Departments and Agencies shall be determined by those Divisions, Departments or Agencies. The inability to substantially comply with the requirements of other County Divisions, Departments and Agencies may result in the need to modify the approved use permit.

**4. VISITATION:**

Consistent with Sections 18.16.030 and 18.20.030 of the Napa County Code, marketing and tours and tastings may occur at a winery only where such activities are accessory and “clearly incidental, related, and subordinate to the primary operation of the winery as a production facility.” Marketing and/or Tours and Tastings are not typically authorized until grant of Final Occupancy, but exceptions where extenuating circumstances exist and are subject to review and approval by the County Building Official, County Fire Marshal, and the Director of Planning, Building, and Environmental Services.

Permittee shall obtain and maintain all permits and licenses from the California Department of Alcoholic Beverage Control (ABC) and United States Tax and Trade Bureau (TTB) required to produce and sell wine, including minimum levels of crush and fermentation. In the event permittee loses required ABC and/or TTB permits and licenses, permittee shall cease marketing events and tours and tastings until such time as those ABC and/or TTB permits and licenses are re-established.

A log book (or similar record) shall be maintained which documents the number of visitors to the winery (be they tours and tastings or marketing event visitors), and the dates of their visit. This record of visitors shall be made available to the PBES Department upon request.

1. **TOURS AND TASTING**

Tours and tastings are limited to the following:

* + 1. Frequency: 7 days per week, Monday through Sunday
    2. Maximum number of persons per day: 60
    3. Maximum number of persons per week: 350
    4. Time of operation: 10:00 AM to 5:00 PM (8:00 AM to 8:00 PM, non-harvest, production activities)

“Tours and tastings” means tours of the winery and/or tastings of wine, where such tours and tastings are limited to persons who have made unsolicited prior appointments for tours or tastings.

Tours and tastings may include food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery and is incidental to the tasting of wine. Food service may not involve menu options and meal service such that the winery functions as a café or restaurant. (Ord. 1340, 2010; Ord. 947 § 9 (part), 1990; prior code § 12070).

Start and finish time of tours and tastings shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 6:00 PM, and shall be limited to those wines set forth in Napa County Code18.16.030(G)(5)(c) – AP Zoning.

* 1. **MARKETING**

Marketing events are limited to the following:

* + 1. Four (4) food and wine parings per month with up to 30 guests at each event;
    2. Two (2) food and wine parings per month with up to 100 guests at each event;
    3. Four (4) food and wine pairings per year with up to 200 guests at each event; and,
    4. Participation in the wine auction.

"Marketing of wine" means any activity of a winery which is conducted at the winery on a prearranged basis for the education and development of customers and potential customers with respect to wine which can be sold at the winery on a retail basis pursuant to Chapters 18.16 and 18.20 of the Napa County Code. Marketing of wine may include cultural and social events directly related to the education and development of customers and potential customers provided such events are clearly incidental, related and subordinate to the primary use of the winery. Marketing of wine may include food service, including food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery.

Business events are similar to cultural and social events, in that they will only be considered as “marketing of wine” if they are directly related to the education and development of customers and potential customers of the winery and are part of a marketing plan approved as part of the winery’s use permit. Marketing plans in their totality must remain “clearly incidental, related and subordinate to the primary operation of the winery as a production facility” (subsection (G)(5) of Sections 18.16.030 and subsection (I)(5) of 18.20.030 of the Napa County Code). To be considered directly related to the education and development of customers or potential customers of the winery, business events must be conducted at no charge except to the extent of recovery of variable costs, and any business content unrelated to wine must be limited. Careful consideration shall be given to the intent of the event, the proportion of the business event’s non-wine-related content, and the intensity of the overall marketing plan. (Ord. 1340, 2010; Ord. 1104 § 11, 1996; Ord. 947 § 9 (part), 1990; prior code § 12071).

All activity, including cleanup, shall cease by 10:00 PM. Start and finish time of activities shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 6:00 PM. If any event is held which will exceed the available on-site parking, the applicant shall have prepared an event specific parking plan which may include, but not be limited to, valet service or off-site parking and shuttle service to the winery.

1. **GRAPE SOURCE**

At least 75% of the grapes used to make the winery’s wine shall be grown within the County of Napa. The permittee shall keep records of annual production documenting the source of grapes to verify that 75% of the production is from Napa County grapes. The report shall recognize the Agriculture Commission’s format for County of origin of grapes and juice used in the Winery Production Process. The report shall be provided to the Planning, Building & Environmental Services Department upon request, but shall be considered proprietary information not available to the public.

1. **RENTAL/LEASING**

No winery facilities, or portions thereof, including, without limitation, any kitchens, barrel storage areas, or warehousing space, shall be rented, leased, or used by entities other than persons producing and/or storing wine at the on-site winery, such as alternating proprietors and custom producers, except as may be specifically authorized in this use permit or pursuant to the Temporary Events Ordinance (Napa County Code Chapter 5.36).

1. **SIGNS**

Prior to installation of any winery identification or directional signs, detailed plans, including elevations, materials, color, and lighting, shall be submitted to the Planning, Building, and Environmental Services Department for administrative review and approval. Administrative review and approval is not required if signage to be installed is consistent with signage plans submitted, reviewed and approved as part of this use permit approval. All signs shall meet the design standards as set forth in Chapter 18.116 of the Napa County Code. At least one sign placed and sized in a manner to inform the public must legibly include wording stating “Tours and Tasting by Prior Appointment Only”.

1. **LIGHTING**

All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, shall be the minimum necessary for security, safety, or operations, and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards.

Prior to issuance of any building permit pursuant to this approval, two copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the California Building Code.

1. **LANDSCAPING**

Two (2) copies of a detailed final landscaping and irrigation plan, including parking details, shall be submitted with the Building Permit application package for the Planning Division’s review and approval prior to the issuance of any building permit associated with this approval. The plan shall be prepared pursuant to the County’s Water Efficient Landscape Ordinance (WELO), as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.

Plant materials shall be purchased locally when practical. The Agricultural Commissioner’s office (707-253-4357) shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.

No trees greater than 6” DBH shall be removed, except for those identified on the submitted site plan. Trees to be retained shall be protected during construction by fencing securely installed at the outer most dripline of the tree or trees. Such fencing shall be maintained throughout the duration of the work undertaken in connection with the winery development/construction. In no case shall construction material, debris or vehicles be stored in the fenced tree protection area.

Evergreen screening shall be installed between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and off-site residence that can view these areas.

Landscaping shall be completed prior to final occupancy, and shall be permanently maintained in accordance with the landscaping plan.

1. **OUTDOOR STORAGE/SCREENING/UTILITIES**

All outdoor storage of winery equipment shall be screened from the view of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No item in storage is to exceed the height of the screening. Water and fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.

New utility lines required for this project that are visible from any designated scenic transportation route (see Circulation Element of the General Plan and Chapter 18.106 of the Napa County Code) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.

1. **COLORS**

The colors used for the roof, exterior walls and built landscaping features of the winery shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific vegetation and the applicant shall obtain the written approval of the Planning, Building, & Environmental Services Department prior to painting the building. Highly reflective surfaces are prohibited.

1. **SITE IMPROVEMENTS AND ENGINEERING SERVICES-SPECIFIC CONDITIONS**

Please contact (707) 253-4417 with any questions regarding the following.

* 1. **GRADING AND SPOILS**

All grading and spoils generated by construction of the project facilities, including cave spoils, shall be managed per Engineering Services direction. All spoils piles shall be removed prior to final occupancy, except as otherwise permitted by Engineering Services.

* 1. **TRAFFIC**

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors will not occur during peak (4-6 PM) travel times to the maximum extent possible. All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Roads and Streets Standards.

* 1. **DUST CONTROL**

Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. Outdoor construction activities shall not occur during windy periods.

* 1. **STORM WATER CONTROL**

The permittee shall comply with all construction and post-construction storm water pollution prevention protocols as required by the County Engineering Services Division, and the California Regional Water Quality Control Board (SRWQCB).

* 1. **PARKING**

The location of employee and visitor parking and truck loading zone areas shall be identified along with proposed circulation and traffic control signage (if any).

Parking shall be limited to approved parking spaces only and shall not occur along access or public roads or in other locations except during harvest activities and approved marketing events.

In no case shall parking impede emergency vehicle access or public roads. If any event is held which will exceed the available on-site parking, the permittee shall prepare an event-specific parking plan which may include but, shall not necessarily be limited to, valet service or off-site parking and shuttle service to the winery.

* 1. **GATES/ENTRY STRUCTURES**

Any gate installed at the winery entrance shall be reviewed by the Planning, Building, & Environmental Services Department, and the Napa County Fire Department to assure that it is designed to allow large vehicles, such as motorhomes, to turn around if the gate is closed without backing into the public roadway, and that fire suppression access is available at all times. If the gate is part of an entry structure an additional permit shall be required according to the County Code and in accordance with the Napa County Roads and Street Standards. A separate entry structure permit is not required if the entry structure is consistent with entry structure plans submitted, reviewed, and approved as part of this use permit approval.

1. **ENVIRONMENTAL HEALTH-SPECIFIC CONDITIONS**

Please contact (707) 253-4471 with any questions regarding the following.

* 1. **WELLS**

The permittee may be required (at the permittee’s expense) to provide well monitoring data if the Director of Planning, Building, and Environmental Services determines that water usage at the winery is affecting, or would potentially affect, groundwater supplies or nearby wells. Data requested could include, but would not necessarily be limited to, water extraction volumes and static well levels. If the applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gauge potential impacts on the groundwater resource utilized for the project proposed. Water usage shall be minimized by use of best available control technology and best water management conservation practices.

In the event that changed circumstances or significant new information provide substantial evidence that the groundwater system referenced in the use permit would significantly affect the groundwater basin, the Director of Planning, Building, and Environmental Services shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the Napa County Groundwater Ordinance and protect public health, safety, and welfare. That recommendation shall not become final unless and until the Director has provided notice and the opportunity for hearing in compliance with the Napa County Code §13.15.070 (G-K).

* 1. **NOISE**

Construction noise shall be minimized to the greatest extent practical and allowable under State and local safety laws. Construction equipment mufflering and hours of operation shall be in compliance with Napa County Code Chapter 8.16. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site. If project terrain or access road conditions require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur between the hours of 8 AM to 5 PM. Exterior winery equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the Napa County Code. There shall be no amplified sound system or amplified music utilized outside of approved, enclosed, winery buildings.

1. **ARCHEOLOGICAL FINDING**

In the event that archeological artifacts or human remains are discovered during construction, work shall cease in a 50-foot radius surrounding the area of discovery. The permittee shall contact the Planning, Building and Environmental Services Department for further guidance, which will likely include the requirement for the permittee to hire a qualified professional to analyze the artifacts encountered and to determine if additional measures are required.

If human remains are encountered during the development, all work in the vicinity must be, by law, halted, and the Napa County Coroner informed, so that he can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the nearest tribal relatives as determined by the State Native American Heritage Commission would be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.

1. **ADDRESSING**

All project site addresses shall be determined by the Planning, Building & Environmental Services Director, and be reviewed and approved by the United States Post Office, prior to issuance of any building permit. The Director reserves the right to issue or re-issue an appropriate situs address at the time of issuance of any building permit to ensure proper identification and sequencing of numbers. For multi-tenant or multiple structure projects, this includes building permits for later building modifications or tenant improvements.

1. **INDEMNIFICATION**

If an indemnification agreement has not already been signed and submitted, one shall be signed and returned to the County within twenty (20) days of the granting of this approval using the Planning, Building, and Environmental Services Department’s standard form.

1. **AFFORDABLE HOUSING MITIGATION**

Prior to County issuance of a building permit, the applicant shall pay the Napa County Affordable Housing Mitigation Fee in accordance with the requirements of Napa County Code Chapter 18.107 or as may be amended by the Board of Supervisors.

1. **MONITORING COSTS**

All staff costs associated with monitoring compliance with these conditions, previous permit conditions, and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged. Costs shall be as established by resolution of the Board of Supervisors in accordance with the hourly consulting rate established at the time of the monitoring and shall include maintenance of $500 deposit for construction compliance monitoring that shall be retained until grant of final occupancy. Violations of conditions of approval or mitigation measures caused by the permittee’s contractors, employees, and/or guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of compliance deficiencies is found to exist by the Commission at some time in the future, the Commission may institute the program at the applicant’s expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if so warranted, to commence revocation hearings in accordance with §18.124.120 of the Napa County Code.

1. **TEMPORARY AND FINAL OCCUPANCY**

All project improvements, including compliance with applicable codes, conditions, and requirements of all departments and agencies with jurisdiction over the project, shall be completed prior to granting of a Certificate of Final Occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence. The County Building Official is authorized to grant a Temporary Certificate of Occupancy to allow specified limited use of the project, such as commencement of production activities, prior to completion of all project improvements. In special circumstances, departments and/or agencies with jurisdiction over the project are authorized as part of the Temporary Certificate of Occupancy process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements. Consistent with Board of Supervisors Resolution *№* 2010-48, “Temporary Certificates of Occupancy are generally not to be used to allow production of wine for more than one year.”