

Revised Conditions of Approval
WALT RANCH APPEAL HEARING
BOARD OF SUPERVISORS
November 18, 2016

1. The permittee shall strictly conform to all provisions of the approved revised Agricultural Erosion Control Plan #P11-00205-ECPA (dated July 5, 2016). It is the responsibility of the permittee to communicate the requirements of all conditions and mitigation measures to all designers, contractors, and professionals related to the implementation and maintenance of the ECP to ensure compliance is achieved.
2. The permittee shall fully comply with the Mitigation Measures contained in the Updated Mitigation Monitoring and Reporting Program (dated July 2016) and the five (5) Conditions of Approval listed in Table 2 as follows:-

(a) All heavy construction equipment shall access the Walt Ranch Property at the northernmost access point directly off of State Route 121 ("Gate 1"). No construction equipment may be delivered via Circle Oaks Drive. All extra-legal loads (defined as anything greater than 80,000 pounds that requires special Caltrans permits per Mitigation Measure 4.7-4) and construction equipment deliveries (defined as any construction equipment listed in Table 3-5 of the EIR, including: excavators, graders, rubber tired dozer, tractors, loaders, and backhoes) shall utilize Gate 1.

(b) Western Pond Turtle (WPT) Exclusionary Fence Specifications. Consistent with Mitigation Measure 4.2-10, exclusion fencing shall be installed along the length of the access road. Recommended fencing for exclusion of WPT consists of silt fencing with a minimum ~~of~~ height of 18 inches, trenched and backfilled to a depth of 6 inches. The exclusion fencing shall be placed on both sides of the portions of the access road that run through WPT nesting and upland habitat, including across the four existing stream crossings. WPT exclusion fencing shall be installed in early April to allow WPT hibernating in upland habitat to return to aquatic habitat. The portions within the stream crossings shall be removed during the winter period (October 16 through March 31) of each year, and shall be reinstalled in early April prior to equipment delivery.

(c) Specimen Tree Trimming. A qualified arborist or biologist shall monitor any limbing of the specimen tree located approximately 200 feet from the access gate.

(d) The following protective measures shall be followed for the protection of archeological and cultural resources:

i) No construction machinery or construction machinery transport shall occur unless the dirt access road is hard and dry; normal vehicles may continue to use the access road as

needed, ~~though it is recommended that the road is~~ but the road shall be avoided when wet, slippery, or otherwise in a condition where tires would dig in deeply;

ii) No vehicles shall drive or park off of the access road anywhere within Site CA-NAP-257 Locus A boundaries;

iii) No construction equipment, materials, or other goods shall be stockpiled or stored within Site CA-NAP-257 Locus A boundaries;

iv) Prior to use of the access road for project construction, a qualified professional archaeologist shall walk the access road, documenting and removing any typologically distinctive artifacts, adding them to any collections already held by the archaeologist;

v) Prior to use of the access road for project construction, a qualified professional archaeologist shall assist a qualified biologist in the establishment of exclusion fencing for the western pond turtle; this fencing shall also be used to restrict construction equipment access to the archeological site;

vi) Any alteration or improvement of the dirt road or access gate that may be required within the boundaries of CA-NAP-257 shall be overseen by a qualified professional archaeologist;

vii) Prior to use of the access road for project construction, a qualified professional archaeologist shall train construction workers in the recognition of prehistoric site features and burials;

viii) If any prehistoric site features or burials are uncovered during use of the access road through CA-NAP-257, all use of the road shall halt immediately, and a qualified professional archaeologist shall be retained to identify and assess the find, providing mitigation as necessary;

ix) Following each year's construction season on the Pproject, a qualified professional archaeologist shall walk the access road, documenting and removing any typologically distinctive artifacts unearthed by heavy equipment, adding them to any collections database already held by the archaeologist; and

x) Following the end of vineyard construction, the artifact collections shall be given to the property owner or their designated representative, or any local Tribe with a claim to local area.

3. The permittee shall, ~~Adhering~~ throughout the duration of the project, adhere to the Oversight and Operation regulations specified in County Code Section 18.108.135-~~enclosed~~, which deal with among other things installation oversight, erosion control measure maintenance, monitoring, failure response, and non-compliance. Prior to the first winter

rains after construction begins and each year thereafter until the project has received a final inspection from the county or its agent and been found complete, a qualified professional shall inspect the site and certify in writing to the director that all of the erosion control measures required at that stage of development have been installed in conformance with the plan and related specifications. The report shall be provided to the Director of Planning, Building, and Environmental Services ("Director") within 7 days from the inspection.

4. Pursuant to County Code Section 18.108.140(A)(2), a financial security shall be submitted by the permittee to the Director within ten days of approval (or prior to earthmoving) of the erosion control plan for the portions of the project within the Milliken watershed. The financial security shall be in a form approved by County Counsel and shall be in an amount as determined by the Director, sufficient to guarantee restoration of any site disturbance, should the County be required to do so in case of default by the permittee.

5. The permittee shall implement the following measures to avoid encroachment into specified creek setbacks and associated riparian features:

(a) The location of creek setbacks shall be clearly demarcated in the field with temporary construction fencing, which shall be placed at the outermost edge of required setbacks shown on the project plans. Temporary fencing shall be installed prior to any earthmoving activities. The precise locations of said fences shall be inspected and approved by the Engineering and Conservation Division prior to any earthmoving and/or development activities. No disturbance, including grading, placement of fill material, storage of equipment, etc. shall occur within the designated areas for the duration of erosion control plan installation and vineyard installation. The protection fencing shall remain in place during the duration of project implementation and until wildlife exclusion fencing is installed as shown on the approved plans.

(b) All construction and related traffic shall remain on the inside (vineyard block side) of the protective fencing to ensure that the creek, buffer zones, and associated riparian habitat and/or woodland remain undisturbed.

(c) In accordance with County Code Section 18.108.100 (Erosion hazard areas – Vegetation preservation and replacement), trees that are inadvertently removed which are not within the boundary of the project and/or not identified for removal as part of P11-00205-ECPA shall be replaced on-site with fifteen-gallon trees at a ratio of 2:1 at locations approved by the ~~PBES~~ Director.

6. The following measures shall be implemented to protect trees/woodlands:

(a) Prior to any earthmoving activities, the permittee shall place temporary fencing ~~shall be placed~~ at the edge of the dripline of all trees to be retained that are located within 50-feet of the project area. The precise locations of said fences shall be inspected and approved by the Engineering and Conservation Division prior to the commencement of any earthmoving activities. No disturbance, including grading, placement of fill material, storage of

equipment, etc. shall occur within the designated area for the duration of erosion control plan installation and vineyard installation.

(b) The permittee shall refrain from trimming the trees and vegetation to be retained adjacent to the vineyard conversion areas.

7. As described in the Updated Mitigation, Monitoring and Report Program (dated July 2016) and the Biological Resources Management Plan, the areas required for permanent protection shall be identified ~~and placed into~~~~as such in~~ a conservation easement with an organization accredited by the Land Trust Accreditation Commission as the grantee, or other equivalent means of permanent protection as approved by the Director ~~of PBES~~. Areas placed in protection shall be restricted from development and other uses that would degrade the quality of the habitat (including, but not limited to conversion to other land uses such as agriculture or residential development, and excessive off-road vehicle use that increases erosion) and should be otherwise restricted by the existing goals and policies of Napa County. Upon County Counsel's review and approval as to the form of the conservation easement, the ~~applicant permittee~~ shall record the conservation easement prior to any ground disturbing activities, grading, or vegetation removal or within 12 months of project approval, whichever occurs first.
8. The permittee shall fully implement "The Walt Ranch Long Term Vineyard and Road Maintenance Plan," prepared by the Napa County Resource Conservation District, dated February 11, 2013 ~~(the "Plan") shall be fully implemented~~ (including all watercourse crossings) prior to the construction of any vineyard blocks. The measures specified in the Plan shall be maintained, and maintained throughout the life of the vineyard. Upon completion, all road treatments and watercourse crossings shall be inspected by the Napa County RCD and approved by Napa County. In addition, a Letter of Completion shall be submitted to the Engineering and Conservation Division prepared by a licensed design professional, prior to the construction of any vineyard blocks.
9. Prior to any ground disturbing activities, grading, or vegetation removal, the permittee shall revise the draft Biological Resources Management Plan (BRMP) ~~shall be revised~~ to be consistent with and to reflect changes resulting from approval of the Reduced Intensity Alternative, the Updated MMRP and voluntary reductions in the scope of the project. The BRMP shall be reviewed and approved by the ~~Planning~~ Director prior to any ground disturbing activities, grading, or vegetation removal or within 12 months of project approval, whichever occurs first.
10. The Walt Ranch Water Quality Monitoring Program prepared by Analytical Environmental Services, dated July~~August~~ 2016 shall be implemented by the permittee and any subsequent property owners.
11. No blasting shall occur within 775 feet of any offsite residence.

12. The disposal of debris, storage of materials, or construction/operation of vineyard avenues outside the boundaries of the approved plan is prohibited.
13. ~~The permittee shall install and maintain~~ Wildlife exclusion fencing ~~shall be maintained and installed~~ as specified in approved Erosion Control Plan #P11-00205-ECPA.
14. All persons working on-site shall be bound by contract and instructed in the field to adhere to all provisions and restrictions specified above.

15. Groundwater Management

(a) The permittee shall (at the permittee's expense) maintain data regarding monthly well monitoring and report groundwater use to the County pursuant to Mitigation Measure 4.6-4 and the Groundwater Monitoring and Mitigation Plan. Water usage shall be minimized by use of best available control technology and best water management conservation practices.

(b) Any new on-site, off-site water sources for vineyard use not evaluated as part of the ECPA (existing or proposed in ECPA) or required by Mitigation Measure 4.6-4 and the Groundwater Monitoring and Mitigation Plan shall be subject to the following requirements, as determined to be necessary by the County prior to approval:

1. New Water Availability Analysis;
2. Environmental Review, and
3. ECPA modification.

For the purposes of this condition of approval, a new water source shall include but not be limited to wells, imported water, new or existing ponds/reservoir(s) proposed or used to serve the vineyards. A new water sources does not include any water source, including wells and reservoirs, evaluated as part of the ECPA (existing or proposed in ECPA) or required by Mitigation Measure 4.6-4 and the Groundwater Monitoring and Mitigation Plan.

(c) Permittee shall limit groundwater use for vineyards to 144.5 acre-ft. per year.

(d) The permittee shall be required to include the vineyard wells in the County's Groundwater Monitoring program upon the County's request.

16. Prior to any ground disturbing activities, grading, or vegetation removal, the permittee shall:

(a) Confirm Baseline Hydrologic Soil Group (HSG) and Related Conditions by performing a site evaluation of those vineyard blocks with a modified HSG to verify that the unmodified natural HSG of the soil is assigned HSG 'D' due to the depth to a water impermeable layer

being less than 50 centimeters [20 inches] per Chapter 7 of the National Engineering Handbook. The evaluation shall consist at a minimum of 5 (five) evaluation sites evenly spaced on a transecting line located approximately along the middle portion of each of the proposed vineyard blocks on an alignment that is roughly perpendicular to the natural drainage pattern of the area. Evaluations shall be conducted in accordance with general engineering standard practices.

(b) Perform laboratory and or field testing to determine the soil classification and conduct an evaluation of the soil to determine hydraulic conductivity per general engineering standard practices. The information obtained from these evaluations shall be used to confirm the reassignment of the HSG per Table 7-1 of the National Engineering Handbook.

(c) Identify the Modified HSG and Related Conditions: The permittee shall prepare and submit a scope of work to the Engineering and Conservation Division describing the methods to be utilized to modify the natural soil profile for reassignment of the HSG within vineyard blocks. Upon completing the modification of the natural soil profile, the permittee shall perform a minimum of 5 (five) evaluation sites evenly spaced on a transecting line located approximately along the middle portion of each of the proposed vineyard blocks on an alignment that is approximately perpendicular to the natural drainage pattern of the area, but not in the same location as the pre-development site evaluation transecting line. All testing locations and sampling shall be done in accordance with general engineering standard practices to confirm the reassignment of the vineyard block HSG per the criteria set forth in Table 7-1 of the National Engineering Handbook.

(d) Field testing, laboratory procedures, reports and conclusions shall performed by a qualified professional registered in the State of California having experience in engineering or science related to soils and shall provide for verification of correct material usage and correct selection of reference standards. All inspection and testing parameters shall be conducted in accordance with accepted professional standards. Soil reports shall be provided to the Engineering and Conservation Division prior to vineyard planting to evaluate and determine if any additional recommendations are necessary. The permittee shall promptly implement the recommendations of the Engineering and Conservation Division.

(e) If the results of the soil testing does not show reassignment of the HSG to 'C' or better, the permittee shall immediately stop vineyard development and stabilize the site so that best management practices may be developed and processed to show compliance with the County's Conservation Regulations and General Plan Policy CON-50(c). A revised ECP and additional CEQA review may be required.

175. All staff costs associated with monitoring compliance with the above conditions shall be borne by the permittee and/or property owner. The permittee shall make an initial deposit of \$5,000 within 30 days of this letter to fund staff monitoring. 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 at the rate in effect at the time monitoring occurs. Violations of conditions of approval or mitigations measures caused by the permittee's contractors, employees, and guests are the responsibility of the permittee.