

**NAPA COUNTY CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT  
CONSERVATION & DEVELOPMENT PLANNING COMMISSION**

**CONDITIONS OF APPROVAL – BUSBY WINE PRODUCTION FACILITY  
USE PERMIT (#P08-00654-UP)  
APN: #057-250-023**

**1. SCOPE:** The permit shall be limited to:

- a. The use permit is limited to establishing a new winery with a maximum production capacity of 50,000 gallon per year (consistent with the Napa County Winery Production Process) consisting of:
  - (1) construction of a ±18,162 square foot winery building.
  - (2) on-site parking for 26 vehicles;
  - (3) 3 full and 8 part-time employees;
  - (4) a new driveway and use of an existing shared driveway on Technology Way;
  - (5) a hold and haul system for process waste;
  - (6) hours of operation from 7:00 AM until 6:00 PM, five days a week;
  - (7) connecting to municipal water and sewer services provided by the City of American Canyon and the Napa Sanitation District, respectively;
  - (9) landscaping and a free-standing sign; and,
  - (10) No tours and tasting or marketing events are proposed or approved with this permit
- 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 by the approved in accordance with Section 18.124.130 of the Napa County Code and may be subject to the Use Permit modification process.

**2. AIRCRAFT OVERFLIGHT EASEMENT:**

Prior to issuance of building permits, the permittee shall submit verification that an aircraft overflight easement has been recorded on the property that provides for the right of aircraft operation, overflight and related noises, and for the regulation of light emissions, electrical emissions, or the release of substances such as steam or smoke which could interfere with aircraft operations.

In accordance with Section 17.14.265 of the Napa County Subdivision Ordinance, the final parcel map shall include the required statement providing for the right of aircraft operation, overflight and related noises, and for the regulation of light emissions, electrical emissions, or the release of substances such as steam or smoke which could interfere with aircraft operations.

**3. 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 Department for administrative review and approval. All signs shall meet the design standards as set forth in the Airport Industrial Area Specific Plan.

#### 4. GATES/ENTRY STRUCTURES:

Any gate installed at the winery entrance shall be reviewed by the Conservation, Development and Planning Department, Public Works 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. 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.

#### 5. LIGHTING:

All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, and 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 for construction of the winery, two (2) 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 Department review and approval. All lighting shall comply with Uniform Building Code (UBC).

#### 6. LANDSCAPING/PARKING:

- a. Two (2) copies of a detailed landscaping plan shall be submitted for review and approval prior to issuance of building permits. The plan shall be consistent with the 1986 Napa Airport Industrial Area Specific Plan, including parking lot shading and landscaped berms, a minimum of 36-inches high, along the street frontage and to screen the parking lot. The required landscape plan shall indicate plant location, species, size at planting, quantity of each, method of planting, underground automatic sprinkler system, and similar landscape design information. The minimum size of shrubs shall be five (5) gallon. The minimum tree size shall be fifteen (15) gallon (3/4" to 1" trunk caliper). **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.**
- b. 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). Landscaping and parking shall be completed prior to occupancy, and shall be permanently maintained in accordance with the landscaping plan.
- c. All landscaped areas and sidewalks shall be separated from parking and drive aisle areas by a minimum 6 inch raised concrete curb.
- d. The irrigation system shall utilize reclaimed water when it is made available in the vicinity.

#### 7. PARKING/ACCESS/TRAFFIC:

- a. All parking, driveways, and internal roadways shall comply with the Napa County Road and Street standards. Two feet of required parking stall depth may overhang into non-required landscape planters and sidewalks. Standard sized parking stalls are required to have a minimum depth of 19 ft., and compact stalls may be 16 feet. A maximum of 35% of the parking stalls may be compact.

- b. Bicycle parking areas shall be provided at a ratio of one bicycle parking space for every 25 employees, as applicable. At least one bicycle parking space shall be provided.
- c. Re-occurring 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 the Department of Public Works shall be maintained in good working condition.
- d. Parking shall be limited to approved parking spaces only and shall not occur along access roads or in other locations except during harvest or 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 applicant shall arrange for off-site parking and shuttle service to the winery.

#### **8. OUTDOOR STORAGE/SCREENING/UTILITIES:**

All outdoor storage of winery equipment shall be screened from the 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 not to 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 Chapter 7 of the General Plan and Chapter 18.106 of the Napa County Zoning Ordinance for designated roads) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway

#### **9. MECHANICAL EQUIPMENT:**

- a. Roof mounted equipment shall be screened by a parapet wall of equal or greater height than the highest piece of roof mounted equipment or vent. Equipment may be screened by a separate roof screen that is architecturally integrated with the building, and when screening by a parapet wall is not feasible or is architecturally undesirable. When separate roof screens are used, roof equipment should be organized into major groups screening a smaller number of units rather than multiple areas. The CDPD Director may approve exceptions for solar equipment. All screening is subject to review and approval by the CDPD Director. Any skylights will be subject to review and approval by the CDPD Director prior to the issuance of building permits.

The term "equipment" includes roof mounted equipment or vents, electrical equipment, gas meter, communication antennas, irrigation valves, storage tanks, or other mechanical equipment. The manner of screening shall be as follows: Communications equipment, including microwave equipment, may remain unscreened if visually integrated with the building design through color, location, and construction; all building mounted equipment, including but not limited to louvers, pipes, overhead doors or service doors, access ladders, downspouts, conduit, and electrical/service boxes, shall be painted consistent with the color scheme of the building.

- b. Ground mounted equipment shall be screened by walls or landscaping to the satisfaction of the CDPD Director.

#### **10. TRASH ENCLOSURES:**

- a. The developer shall provide one or more trash enclosures (decorative masonry or equivalent), the design of which shall be compatible with the architecture of the project. The enclosure shall be reasonably accessible to employees. A minimum 8' x 10' thickened paving section shall be provided in front of each enclosure. The CDPD Director shall approve the design and location of each enclosure. All trash bins shall be

stored within approved trash enclosures. The enclosure shall also include a separate pedestrian walk-in access.

- b. The developer shall provide adequate, accessible, and convenient areas for the collection and loading of recyclable materials. Collection and loading areas shall be located adjacent to trash enclosures when practical and shall contain adequate area to accommodate the recyclable waste generated by the development. All recyclable materials areas shall be accessible by collection vehicles. The CDPD Director shall approve the design and location of each collection and loading area.

#### **11. MISCELLANEOUS:**

Any crane used in the construction of the phases shall be lighted and have flags for improved visibility from aircraft; no crane shall exceed 80 feet in height without first obtaining the FAA's express approval.

#### **12. RENTAL/LEASING:**

No winery facilities, nor portions thereof, including but not limited to offices, kitchens, barrel storage areas, and warehousing space, shall be rented, leased, nor used by entities other than persons producing and/or storing wine at the on-site winery, except as may be specifically authorized in this use permit or pursuant to the Temporary Events Ordinance (Chapter 5.36).

#### **13. COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES:**

The applicant shall comply with applicable development standards of the 1986 Airport Industrial Area Specific Plan and the Industrial Park: Airport Combining (IP: AC) zoning regulations and all other applicable building codes, zoning standards and requirements of various County departments and other agencies including the following:

- a. Department of Environmental Management memo dated January 26, 2009.
- b. Building Division memo dated May 9, 2009.
- c. Department of Public Works memos dated May 13, 2009, and June 18, 2009.
- d. Fire Department memo dated May 1, 2009.
- e. City of American Canyon "will serve" letter dated April 7, 2008.
- f. The Napa Sanitation District "will serve" letter and memo dated April 6, 2008 ,and January 23, 2009, respectively.

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

#### **14. GRADING AND SPOILS:**

All grading and spoils generated by construction of the project facilities shall be disposed of per Public Works direction. All spoils piles shall be removed prior to occupancy.

#### **15. NOISE:**

Construction noise shall be minimized to the maximum extent practical and allowable under State and local safety laws. Construction equipment muffling and hours of operation shall be in compliance with 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 condition 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 Code. There shall be no amplified sound system or amplified music utilized outside of approved, enclosed winery buildings.

#### **16. COLORS:**

The colors used for the roof, exterior walls and built landscaping features of the winery shall be subject to review and approval by the Conservation, Development and Planning Department prior to painting the building. Highly reflective surfaces shall be prohibited.

#### **17. 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.

#### **18. 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 Conservation, Development and Planning 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.

#### **19. ADDRESSING**

All project site addresses shall be determined by the Conservation, Development and Planning Director, and reviewed and approved by the U.S. Post Office, prior to issuance of any building permit. The Conservation, Development and Planning 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.

#### **20. STORM WATER CONTROL**

For any construction activity that results in disturbance of greater than one acre of total land area, permittee shall file a Notice of Intent with the California Regional Water Quality Control Board (SRWQCB) prior to any grading or construction activity. All hazardous materials stored and used on-site that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified. Parking lots shall be designed to drain through grassy swales, buffer strips, or sand filters prior to any discharge from the impervious surface into a watercourse. If any discharge of concentrated surface waters is proposed in the any "Waters of the State," the permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board. All trash enclosures must be covered and protected from rain, roof, and surface drainage.

## **21. INDEMNIFICATION**

An indemnification agreement, in the form attached hereto, shall be signed and returned to the County within twenty (20) days of the granting of this approval.

## **22. MITIGATION MEASURES:**

The permittee shall comply with all mitigation measures identified in the adopted Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the project.

## **23. 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 County Code Chapter 15.60 or as may be amended by the Board of Supervisors.

## **24. 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 Board Resolution in accordance with the hourly consulting rate established at the time of the monitoring (\$134.00/hour as of July, 2007). Violations of conditions of approval or mitigations measures caused by the permittee's contractors, employees, and 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 Planning Commission at some time in the future, the Planning 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 it is so warranted, to commence revocation hearings in accordance with section 18.124.120 of the County Code.

## **25. TEMPORARY AND FINAL OCCUPANCY:**

All project improvements, including compliance with all applicable codes, conditions and requirements from 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. Marketing, Tours and Tastings are not typically authorized until grant of Final Occupancy, but exceptions can be requested due to extenuating circumstances and are subject to review and approval by the County Building Official and the Director of Conservation, Development and Planning. 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.