



A Tradition of Stewardship
A Commitment to Service

COUNTY OF NAPA

CONSERVATION, DEVELOPMENT, AND PLANNING DEPARTMENT

1195 3rd Street, Suite 210

Napa, Calif. 94559

707.253.4417

Notice of Intent to Adopt a Revised Mitigated Negative Declaration¹

Project Title

Swanson Winery Use Permit Application № Po8-00550-UP and Variance Application № Po8-00551-VAR

Property Owner

W. Clarke Swanson, Jr., Post Office Box 148, Oakville, Calif., 94562

County Contact Person, Phone Number and Email

Christopher M. Cahill, Planner, 707.253.4847, chris.cahill@countyofnapa.org

Project Location and APN

The 74 acre project parcel is located on the north side of Oakville Cross Road, adjacent to and directly northwest of its intersection with Money Road, within the AP (Agricultural Preserve) zoning district. APN: 031-040-033. 7711 Money Road, Oakville, Calif., 94562

Project Sponsor's Name and Address

Richard Mendelson, Dickenson, Peatman & Fogarty, 809 Coombs Street, Napa, Calif., 94559, 707.252.7122, rmendelson@dpf.law.com

General Plan Description

AR (Agricultural Resource)

Zoning

AP (Agricultural Preserve)

Project Description

Variance to allow construction of a new winery within required winery road setbacks (Money Road- 300 feet required, 66 feet proposed).

Use Permit to establish a new 100,000 gallon per year winery with:

- an approximately 43,600 sq. ft. three level (two stories plus cellar) winery building;
- an approximately 2,500sq. ft. single story hospitality building;
- approximately 5,600 sq. ft. of crush pad and loading dock areas;
- approximately 14,680 sq. ft. of covered and uncovered patio areas;

¹ The initial project mitigated negative declaration was circulated for public review on June 27, 2011. Based on comments received during the initial comment period, conversations which have occurred since that time between the applicant and interested neighboring property owners, and the applicant's own decision to revise certain aspects of the project, the County of Napa has determined that revisions to and recirculation of the mitigated negative declaration were necessary. Revisions are indicated using redline text and strikethrough throughout the document. Based on the revised project and as analyzed in this revised and recirculated document, the Planning Director finds that, as mitigated, the project would not have a significant effect on the environment.

- up to 30 full-time employees (35 during harvest);
- a 70 space parking lot;
- by-appointment tours and tastings including food/wine pairings with a maximum of 200 visitors per day;
- sale of wine by the glass or bottle for on-premise consumption in winery buildings and covered and uncovered patio areas;
- a marketing plan with private promotional tastings and meals including a maximum of two 24-person events weekly, one 36-person event monthly, two 100-person events annually, one 250-person event annually, and participation in Auction Napa Valley;
- new winery domestic and process wastewater treatment systems;
- approximately 7,108 cubic yards of cut and 6,123 cubic yards of fill, for a net cut (off-haul) of 985 cubic yards;
- potential demolition of an existing residence and agricultural barn following their public offering for relocation;
- removal of an existing irrigation pond at the property's northeast corner;
- abandonment of all vehicular access to and installation of "no winery parking" signs on Money Road and construction of a new winery driveway off of Oakville Cross Road
- drainage improvements designed to minimize standing water at and near the parcel's southeast corner;
- removal of 1.2 acres of vineyard;
- approval of a comprehensive sign plan;
- approval of a black walnut revegetation and landscaping plan;
- recordation of a voluntary deed restriction permanently prohibiting winery use of the adjacent applicant-owned property at 7727 Money Road (APN 031-040-034); and
- construction of a left turn lane on Oakville Cross Road at the proposed project driveway.

The project site is not located on the lists enumerated under Section 65962.5 of the Government Code, including, but not necessarily limited to lists of hazardous waste facilities.

Preliminary Determination

Napa County's Director of Conservation, Development, and Planning has tentatively determined that the project analyzed in the attached initial study checklist would not have a significant effect on the environment and the County intends to adopt the revised **mitigated negative declaration**. Copies of the proposed revised **mitigated negative declaration** and all documents referenced are available for review at the offices of the Napa County Conservation, Development, and Planning Department, 1195 Third St., Suite 210, Napa, CA 94559 between the hours of 8:00 AM and 4:45 PM Monday through Friday (excepting holidays).


C.M. Cahill, Planner

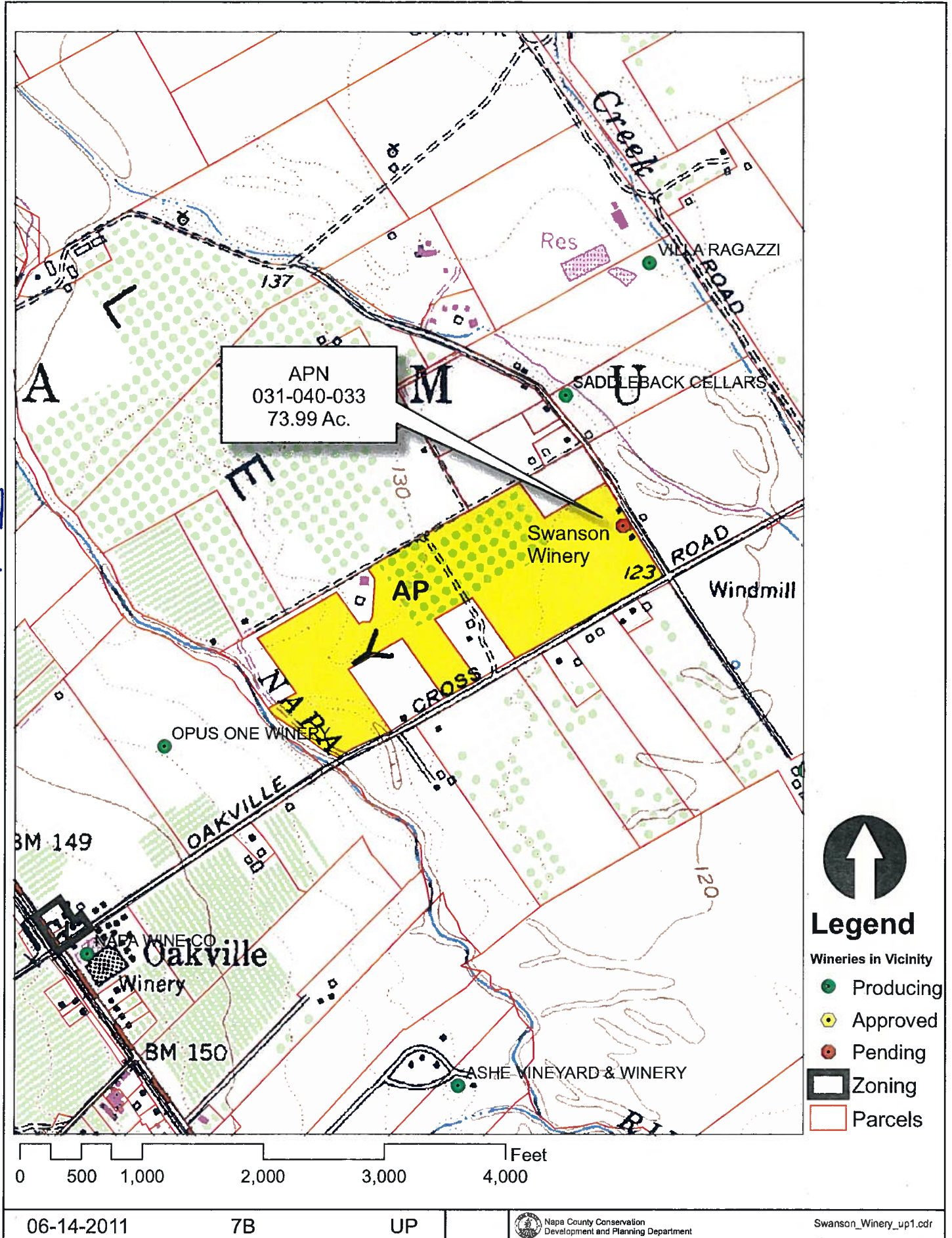
APRIL 9, 2012
date

Written Comment Period - April 11, 2012 through May 10, 2012

Please send written comments to the attention of C.M. Cahill at 1195 Third St., Suite 210, Napa, CA. 94559, or via e-mail to chris.cahill@countyofnapa.org. A public hearing on this project is tentatively scheduled for the Napa County Conservation, Development, and Planning Commission at 9:00 AM or later on Wednesday May 16th, 2012. You may confirm the date and time of this hearing by calling (707) 253-4417.

SWANSON WINERY

LOCATION MAP 1



COUNTY OF NAPA
Conservation, Development, and Planning Department
1195 Third St., Suite 210
Napa, Calif. 94559
(707) 253-4416

Revised Initial Study Checklist

(form updated September 2010)

1. **Project Title:**
Swanson Winery Use Permit Application No P08-00550-UP and Variance Application No P08-00551-VAR
2. **Property Owner:**
W. Clarke Swanson, Jr., Post Office Box 148, Oakville, Calif., 94562
3. **County Contact Person, Phone Number and Email:**
Christopher M. Cahill, Planner, 707.253.4847, chris.cahill@countyofnapa.org
4. **Project Location and APN:**
The 74 acre project parcel is located on the north side of Oakville Cross Road, adjacent to and directly northwest of its intersection with Money Road, within the AP (Agricultural Preserve) zoning district. APN: 031-040-033. 7711 Money Road, Oakville, Calif., 94562
5. **Project Sponsor's Name and Address:**
Richard Mendelson, Dickenson, Peatman & Fogarty, 809 Coombs Street, Napa, Calif., 94559, 707.252.7122, rmendelson@dpf-law.com
6. **General Plan Description:**
AR (Agricultural Resource)
7. **Zoning:**
AP (Agricultural Preserve)
8. **Description of Project.**
Variance to allow construction of a new winery within required winery road setbacks (Money Road- 300 feet required, ~~56~~ 66 feet proposed) ~~and construction of a retaining wall within combined road and front yard setbacks (48 feet required, 30 feet proposed).~~

Use Permit to establish a new 100,000 gallon per year winery with:
 - an approximately 43,600 sq. ft. three level (two stories plus cellar) winery ~~35,500 sq. ft. two story production~~ building;
 - an approximately 2,500~~3,000~~ sq. ft. single story hospitality building;
 - approximately 5,600 sq. ft. of crush pad and loading dock areas;
 - approximately 14,680 sq. ft. of covered and uncovered patio areas;
 - up to 30 full-time employees (35 during harvest);
 - a 70 space parking lot~~44 customer and 25 employee parking spaces, for a total of 69 spaces;~~
 - by-appointment tours and tastings including food/wine pairings with a maximum of 200 visitors per day;
 - sale of wine by the glass or bottle for on-premise consumption in winery buildings and covered and uncovered patio areas;
 - a marketing plan with private promotional tastings and meals including a maximum of two 24-person events weekly, one 36-person event monthly, two 100-person events annually, one 250-person event annually~~an annual marketing plan with private promotional tastings and meals including 156 36-person events, 4 100-person events, 1 250-person event,~~ and participation in Auction Napa Valley;
 - new winery domestic and process wastewater treatment systems ~~including a 3,550 linear foot septic disposal system;~~
 - approximately 7,108 cubic yards of cut and 6,123 cubic yards of fill, for a net cut (off-haul) of 985 cubic yards~~6,600 cubic yards of net fill to raise the proposed structures above the 100-year floodplain;~~
 - potential demolition of an existing residence and agricultural barn following their public offering for relocation;
 - removal of an existing irrigation pond at the property's northeast corner;

Swanson Winery

Use Permit No P08-00550-UP and Variance No P08-00551-VAR

- abandonment of all vehicular access to and installation of "no winery parking" signs on Money Road and construction of a new winery driveway off of Oakville Cross Road ~~removal of all vehicular access to Money Road and construction of a new winery driveway off of Oakville Cross Road; and~~
- drainage improvements designed to minimize standing water at and near the parcel's southeast corner;
- removal of 1.2 acres of vineyard;
- approval of a comprehensive sign plan;
- approval of a black walnut revegetation and landscaping plan;
- recordation of a voluntary deed restriction permanently prohibiting winery use of the adjacent applicant-owned property at 7727 Money Road (APN 031-040-034); and
- construction of a left turn lane on Oakville Cross Road at the proposed project driveway.

9. **Describe the environmental setting and surrounding land uses.**

The project is proposed on a 74 acre parcel located on the north side of Oakville Cross Road, approximately one mile east of its intersection with State Highway 29 (or the St. Helena Highway) and directly adjacent to and northwest of its intersection with Money Road. As the crow flies, it is also about 2.5 miles north of the Town of Yountville. The property presently includes a residence, barn, ~~a small~~ two irrigation reservoirs, and extensive vineyard areas. Approximately 70 acres of existing producing vineyard would also remain. The large subject property stretches from Money Road on the east to the Napa River on the west and includes large areas of historic floodplain terrace. The entire parcel is located within the 100-year floodplain and much of the property is also located in the Napa River floodway.

Based on Napa County environmental resource mapping and the *Soil Survey of Napa County, California* (G. Lambert and J. Kashiwagi, Soil Conservation Service), the entirety of the project area, and indeed the vast majority of the subject parcel, is comprised of soils classified as Pleasanton Loam (0 to 2 percent slopes). The Pleasanton soil series is characterized by well drained soils on alluvial fans and in flood plains. Pleasanton soils are formed in alluvium derived from sedimentary rock and the Pleasanton soils of Napa County are generally more acidic than those located elsewhere in Northern California. Permeability is moderately slow, with an effective rooting depth of 60 inches or more and a water capacity of eight to nine inches. Runoff is slow and the risk of erosion is slight. The subject property has a long history of agricultural use, with 1940 aerial photos showing orchard and wheat or alfalfa fields.

Land uses in the vicinity of the project are a mix of large lot residential uses, active vineyard operations on lots ranging (generally) from ten to seventy acres, and wineries with production ranging from 8,000 to 200,000 gallons annually. Individual wineries located within ½ mile of the project area include Saddleback Cellars (7802 Money Road, 8,000 gallons/year, tours and tasting by appointment), Villa Ragazzi Winery (7878 Money Road, 20,000 gallons/year, tasting by appointment), and Silver Oak Wine Cellars (915 Oakville Cross Road, ~~132,500~~ 210,000 gallons per year, open to the public). Residential uses in the project area are fairly sparse, with less than a dozen residences located within a mile of the proposed winery; most of the residential uses are, however, clustered around Money Road, which runs just to the east of the subject property. The entirety of the area surrounding the subject property is zoned AP (Agricultural Preserve) and General Plan designated AR (Agricultural Resource).

10. **Other agencies whose approval is required** (e.g., permits, financing approval, or participation agreement).
Department of Alcoholic Beverage Control, Federal Taxation Trade Bureau

ENVIRONMENTAL IMPACTS AND BASIS OF CONCLUSIONS:

The conclusions and recommendations contained herein are professional opinions derived in accordance with current standards of professional practice. They are based on a review of the Napa County Environmental Resource Maps, the other sources of information listed in the file, and the comments received, conversations with knowledgeable individuals; the preparer's personal knowledge of the area; and, where necessary, a visit to the site. For further information, see the environmental background information contained in the permanent file on this project.

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Swanson Winery

Use Permit N^o Po8-00550-UP and Variance N^o Po8-00551-VAR

- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

Name: C.M. Cahill

APRIL 9, 2012

Date

for Napa County Conservation, Development, & Planning

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a.-c. Visual resources are those physical features that make up the environment, including landforms, geological features, water, trees and other plants, and elements of the human cultural landscape. A scenic vista, then, would be a publicly accessible vantage point such as a road, park, trail, or scenic overlook from which distant or landscape-scale views of a beautiful or otherwise important assembly of visual resources can be taken-in. As generally described in the **Environmental Setting and Surrounding Land Uses** section, above, the Oakville Cross area is defined by a mix of vineyard, winery, and residential uses situated along the floor of the Napa Valley. The new winery proposed here will be visible from both Oakville Cross and Money Road, however the area between the proposed winery and Money Road will be heavily landscaped and the more than 300 foot setback from Oakville Cross should minimize visual impacts. The almost 75 acre property, which was long-ago converted to intensive agricultural use, will be largely unaffected by this project as the winery development area will be limited to the property's easternmost edge. Vegetation removal associated with this project would be limited to the removal of approximately 2-61.2 acres of existing vines and 36-27 mature trees (including five sycamores, 14 walnuts, and a number of other trees including poplars, willows, individual oaks, and ornamentals, chiefly walnuts and sycamores). Seen as a whole, nothing in this project would substantially alter a scenic vista or substantially degrade the existing visual character of the site or its immediate surroundings. The project is not in, nor is it near, any state scenic highway. Impacts related to scenic resources will be less than significant.

d. Pursuant to standard Napa County conditions of approval for wineries, outdoor lighting will be required to be shielded and directed downwards, with only low level lighting allowed in parking areas. The standard winery condition of approval relating to lighting states that;

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. Architectural highlighting and/or spotting are not allowed. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. All lighting shall comply with the California Building Code.

With standard conditions of approval, this project will not create a substantial new source of light or glare.

Mitigation Measures: No mitigation measures are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
II. AGRICULTURE AND FOREST RESOURCES.¹ Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land as defined in Public Resources Code Section 12220(g), timberland as defined in Public Resources Code Section 4526, or timberland zoned Timberland Production as defined in Government Code Section 51104(g)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use in a manner that will significantly affect timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, or other public benefits?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a. Based on a review of Napa County environmental resource mapping, the entirety of the project area is located on Prime Farmland (*Department of Conservation Farmlands, 2008* layer). This application proposes the permanent removal of approximately 2.61.2 acres of vines, however, the entirety of the proposed development will either be dedicated to active wine production or winery-accessory uses. General Plan Agricultural Preservation and Land Use policies **Ag/LU-2** and **Ag/LU-13** recognize wineries, and any use consistent with the Winery Definition Ordinance and clearly accessory to a winery, as agriculture. As a result, this application will not result in the conversion of special status farmland to a non-agricultural use.
- b. As discussed at "a." above, the proposed winery is consistent with the parcel's AP agricultural zoning. The parcel is not subject to a Williamson Act contract.
- c.-d. The subject parcel includes neither forestland nor timberland and is not subject to timberland zoning. There will be no impact to forest resources.
- e. As discussed at items "a." and "b.", above, the winery and winery accessory uses proposed in this application are defined as agricultural by the Napa County General Plan and are allowed under the parcel's AP (Agricultural Preserve) zoning. Neither this project, nor any foreseeable consequence thereof, would result in changes to the existing environment which would result in the conversion of special status farmland to a non-agricultural use.

Mitigation Measures: No mitigation measures are required.

¹ "Forest land" is defined by the State as "land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits." (Public Resources Code Section 12220(g)) The Napa County General Plan anticipates and does not preclude conversion of some "forest land" to agricultural use, and the program-level EIR for the 2008 General Plan Update analyzed the impacts of up to 12,500 acres of vineyard development between 2005 and 2030, with the assumption that some of this development would occur on "forest land." In that analysis specifically, and in the County's view generally, the conversion of forest land to agricultural use would constitute a potentially significant impact only if there were resulting significant impacts to sensitive species, biodiversity, wildlife movement, sensitive biotic communities listed by the California Department of Fish and Game, water quality, or other environmental resources addressed in this checklist.

Swanson Winery

Use Permit N^o Po8-00550-UP and Variance N^o Po8-00551-VAR

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. The proposed project would not conflict with or obstruct the implementation of any applicable air quality plan. Wineries as proposed here are not producers of air pollution in volumes substantial enough to result in an air quality plan conflict. The project site lies within the Napa Valley, which forms one of the climatologically distinct sub-regions (Napa County Sub region) within the San Francisco Bay Area Air Basin. The topographical and meteorological features of the Valley create a relatively high potential for air pollution. Over the long term, emissions resulting from the proposed project would consist primarily of mobile sources, including production-related deliveries and visitor and employee vehicles traveling to and from the winery. The *Bay Area Air Quality Management Plan* states that projects that do not exceed a threshold of 2,000 vehicle trips per day will not impact air quality and do not require further study (*BAAQMD CEQA Guidelines*, p. 24).² The use permit proposed here includes up to 30 full-time employees, 200 busiest-day tours and tasting visitors, and potentially 2 busiest-day production pickups/deliveries; meaning that this project should account for ~~250-195~~ maximum daily trips on a day with no marketing events (~~this assumes 1.05 occupants per car for employees, 3.2 trips per day per full-time employee, and 2.6 occupants per car for visitors—all per Napa County Winery Traffic Generation Characteristics~~ see Nickelson, George, P.E., *Updated Traffic Analysis for a Proposed Swanson Winery on Oakville Cross Road in Napa County, August 26, 2010*). The subject application also proposes occasional marketing events, with up to 250 people at the largest event; at 2.6 persons per car that would add up to 192 additional trips on the day of a large marketing event. The resulting busiest day plus marketing total of ~~442-387~~ project-related trips is well below the established threshold of significance.
- b. Please see "a.", above. There are no projected or existing air quality violations in the area to which this proposal would contribute. The project would not result in any violations of applicable air quality standards.
- c. Please see "a.", above and "d.-e.", below. The proposed project would not result in a cumulatively considerable net increase in any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard. Standard conditions of approval for any Napa County construction project require dust control measures.
- d.-e. Earthmoving and construction activities required for project construction may cause odors and a temporary degradation in air quality from dust and heavy equipment air emissions during the construction phase. While construction on the site will generate dust particulates in the short-term, the impact would be less than significant with dust control measures as specified in Napa County's standard condition of approval relating to dust;

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.

Wineries are not known operational producers of pollutants capable of causing substantial negative impacts to sensitive receptors. Construction-phase pollutants will be reduced to a less than significant level by the above-noted standard condition of approval. The project will not create pollutant concentrations or objectionable odors affecting a substantial number of people.

² These thresholds have been set aside by a court pending completion of CEQA review by the Bay Area Air Quality Management District, but they continue to provide a substantial basis for evaluating impacts in the absence of other viable thresholds.

Mitigation Measures: No mitigation measures are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, Coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a. Napa County environmental resource mapping (*Biological Critical Habitat Areas - California Red-legged Frog, Contra Costa Goldfields, and Vernal Pool Fairy Shrimp*; *Vernal Pools*; *CNDDB*; *Plant Surveys*; and *CNPS* layers) do not indicate the presence of candidate, sensitive, or special status species on the project site. However, Northern California Black Walnut, a California Native Plant Society and Napa County 2008 General Plan Update EIR-identified special status species has been reported adjacent to the Napa River, west of the project area, and submitted plans initially identified at least 20 "walnut" trees which were to be removed in order to construct the proposed winery. The trees in question are generally quite large (diameters at breast height, or dbh, range from 8" to 52") and are scattered along and around the subject parcel's eastern property line with the 4 largest trees (42", 38", 49", and 52" dbh respectively) running parallel to and about 10 feet to the west of the Money Road pavement edge.

Out of an abundance of caution, Planning staff requested a biological report, which was completed by Steve Zalusky of Northwest Biosurvey in early December 2010 (Northwest Biosurvey, *Tree Survey for Swanson Vineyard Project*, December 7, 2010 and *Addendum to 12-7-10 Tree Survey for Swanson Vineyard Project*, December 16, 2010). The initial (December 7) report, which was based on a site visit and a review of historic aerial photos determined that 16 of the trees slated for removal were Northern California black walnuts. Additional surveying, completed by Joann Goodwin ASLA in or about April 2011, further reduced the number of confirmed Northern California black walnuts to 14. Plan revisions submitted on February 10, 2012 relocated the winery building and associated grading such that 5 of the identified black walnuts, including the 4 largest (and, presumably, oldest) examples will be preserved and protected. As a result, the foreseeable Northern California black walnut removals resulting from this project include 9 trees, most of which are presently located to the west of the existing on-site residence. The applicant has voluntarily revised the project to retain the remainder.

Although Northern California black walnut (*Juglans hindsii*) has become naturalized along riparian corridors in the Great Central Valley, natural populations were only known from a few locations prior to European settlement. Only three occurrences out of the five occurrences recorded in the California Natural Diversity Database (CNDDDB) survive to this day. A stand located in and near the Circle Oaks community in eastern Napa County comprises CNDDDB Occurrence Number 1, the largest and highest quality natural stand of Northern California black walnut trees in California documented prior to 1850. According to botanical experts, one of the main threats to the survival of the Northern California black walnut is hybridization with other non-native walnut species. (Brian Bordona, Napa County Conservation Division, *personal communication*.) To the extent that non-native walnuts were introduced to and widely distributed in California primarily in the post-

Swanson Winery

Use Permit N^o Po8-00550-UP and Variance N^o Po8-00551-VAR

statehood period, the age of a given black walnut tree can function as a rough predictor of the tree's hybrid status. To wit- the older a tree is, the lower the ambient percentage of non-native walnut pollen would have been at its moment of germination, the less likely it is to be hybridized. In his December 16 addendum, Mr. Zalusky estimates that the oldest of the Black Walnuts on site are likely between 115 and 140 years of age, meaning that the trees germinated sometime between 1870 and 1895.

At present there is no commercially-available genetic test which could be used to differentiate native from hybridized black walnuts. In the absence of a genetic test or alternate definitive analysis proving otherwise, Planning staff has assumed presence and is treating the rather large stand of black walnuts located along the subject parcel's eastern property line as a community non-hybridized native Northern California black walnuts. As a result, the impacted trees represent a potentially significant environmental resource. Mitigating for that significance, however, is the fact that, as the project biologist states, the trees are "not part of a natural community including other native trees, shrubs, and ground cover." Additionally, the 115 to 140 year old walnuts are nearing the end of their expected lifespan and continuing anthropogenic disturbance in and around the existing stand all but forecloses natural regeneration in that location. (See Virginia Tech, Virginia Big Tree Program at <http://www.web2.cnre.vt.edu/4h/bigtree/TreeAge.htm>. The average lifespan of a black walnut (*Juglans nigra*) is 150 years, with the oldest specimens attaining 250 years)

To the extent that the existing trees may potentially represent one of the very few native stands of non-hybridized Northern California black walnut remaining in existence, their chief value is as a source of native genetic stock. That resource can best be protected by cultivating seedlings derived from the trees in a more natural riparian setting, where there can be some hope of natural regeneration on an ongoing basis, and where they can form part of a more complete natural community. To that end, a mitigation measure has been incorporated below requiring propagation of seedlings from the subject trees and their transplantation at a ratio of no less than 3 seedlings for each removed mature tree into the existing riparian zone adjacent to the Napa River at the property's western boundary. In addition, the mitigation measure requires that appropriate material from the existing trees be placed in the collection of the California Native Plant Society (or some other equivalent group) as a future source of stock for scientific testing. The applicant team has completed and submitted a thoroughgoing *California Black Walnut Planting Plan*, prepared by JoAnn Goodwin ASLA and dated April 11, 2011, which incorporates detailed seed collection, propagation, planting, and irrigation procedures for the required black walnut replacement plantings, the requirements of which are likewise folded into the mitigation measure No 1, below.

Mature trees, of the type proposed for removal in this application, can serve as nesting sites for protected raptors and roosting sites for protected bat species and construction activities near remaining trees can disturb birds and bats which may be living therein. Fish and Game Code §3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders of Falconiformes or Strigiformes (birds of prey or raptors) or to take possess, or destroy the nests or eggs of any such bird. According to the Department of Fish and Game (Scott Wilson for Carl Wilcox, Regional Manager of the California Department of Fish and Game's Bay Delta Region, Letter to the author. July 22, 2011);

Activities such as staging, access, excavation, and other ground disturbing activities may create substantial noise impacts which may cause nest abandonment or premature fledging of nesting birds. If project activities are scheduled between February 1 and August 31, DFG recommends surveys and avoidance measures for nesting birds.

Steve Zalusky surveyed the subject parcel for raptors on July 27, 2011 (Northwest Biosurvey, Results of Bat and Raptor Survey for the Swanson Vineyards Demolition Project, APN 031-040-033, July 29, 2011). His report concludes that:

Raptors: No raptor nests were found in the trees to be removed as part of this project or within adjacent trees. A pair of red-tailed hawks was observed regularly flying over the vineyards southeast of the project site. Both birds regularly landed on the cross-tree of a vineyard power pole approximately 100 yards southeast of the residence (Photo 8). These birds are likely to nest within two miles of the project site but there is no indication that the nest is within the immediate area and as noted, there are no raptor nests within the trees to be removed or in adjacent trees.

Owls: No owls were observed during the survey. Several species of owls nest in cavities of trees or in man-made structures. The large Oregon white oak across Money Road (Figure 2 and Photos 1&2) would provide excellent owl habitat, however, no owl sign (castings) were observed beneath this tree and regardless, the tree is outside of the project boundaries. According local vineyard staff, a pair of great horned owls (*Bubo virginianus*) nested within the equipment room of the barn in 2008. Following fledging and after the young left on their own, the access was closed and an owl nest box was constructed immediately outside of the former access. It was present at the time of this inspection but according to local staff has never been used.

As raptors and potential raptor habitat have been identified on and near the subject property, a mitigation measure incorporating the procedures recommended by the Department of Fish and Game in their July 22, 2011 letter has been incorporated at No 2, below. If construction occurs outside of the raptor nesting season, impacts can be assumed to be less than significant. Should construction occur

during the February – July nesting season, the surveying and avoidance required by the proposed mitigation measure will reduce impacts on raptors to a less than significant level.

Additionally, with regard to bats, Fish and Game's July 22, 2011 letter states that

The project proposes to remove several mature trees which may provide suitable habitat for pallid bat (*Antrozous pallidus*), a species of special concern. The pallid bat occurs throughout a variety of habitats including all types of woodland, grassland, and riparian areas if appropriate roosting sites are available. This species may seek shelter inside crevices and cavities found in natural features such as trees, cliffs, caves, and rocky outcrops, as well as man-made features. Examples of threats to the pallid bat include mortality and/or loss of roosting habitat due to disturbance, exclusion, extermination, and pesticide use. DFG recommends a qualified biologist conduct a habitat assessment for potential suitable bat habitat within six months of project activities. If the habitat assessment reveals suitable bat habitat, then a qualified biologist should do a presence/absence survey during peak activity periods. If bats are present, then the qualified biologist should evaluate the length of time of disturbance, equipment noise, and type of habitat present at the Project site.

Steve Zalusky also surveyed the project area for bats and bat habitat during his July 27, 2011 site visit and his Bat and Raptor Survey report includes the following results:

Bats: No bats or bat sign were found within the survey area.

Trees: Potential bat habitat was identified in three trees. These include:

- The large decadent Oregon white oak across the street from the residence. This tree is hollow and provides excellent potential habitat for pallid bats and for bats of other species. A bat house has been previously installed approximately 40 feet up the trunk. No bat sign was observed here but the potential for bats to be present is very high. This tree is not within the project boundaries and will not be removed as part of this project.
- The northwestern-most and southeastern-most of the four large Northern California black walnut trees along Money Road in front of the residence are partially hollow and provide suitable habitat for pallid bats and other bat species.

Structures: Neither structure provides suitable or accessible habitat.

- The attic of the residence was accessed and fully inspected. The attic contained no bat sign and no bats were present. The attic is lighted by a window but would otherwise provide suitable bat habitat if access was available. No access for bats was observed beneath the eaves surrounding the structure and none was observed from within the attic. Consequently, this building should not be considered as potential bat habitat.
- The barn was fully inspected and lacks suitable bat habitat. The roof consists of bare corrugated metal over open joists. The enclosed chemical storage room and equipment room have the same corrugated roofing over joists. The site lacks bat habitat and no bats or bat sign were found. Consequently, this building should not be considered as potential bat habitat.

Zalusky then concludes that:

Two of the California black walnut trees fronting Money Road provide potentially suitable habitat for bats including pallid bats. Due to the height of these trees and the inaccessibility of potential roosting sites within them it was not possible to inspect potential habitat to determine whether bats were present. It is possible that bats may be present. It is therefore recommended that the following standard Department of Fish and Game policy regarding bats be required as a condition of approval for this demolition project:

In order to protect potentially present roosting bats, removal of the four large California black walnut trees fronting Money Road and opposite the residence shall be restricted to between September 15 to October 15, when young of the year are capable of flying, or between February 15 to April 1 to avoid hibernating bats and prior to formation of maternity sites.

Zalusky's analysis assumes that the largest black walnut trees will be removed however, as a result of the applicant's February 2012 plan revisions, the largest and oldest black walnuts are no longer proposed for removal. Because Zalusky's recommended mitigation measure does not mesh perfectly with the recommendations of the Department of Fish and Game (the chief difference seemingly being Fish and Game's requirement that a habitat assessment be completed no more than 6 months prior to the beginning of "project activities"), the author has drafted a new mitigation measure which attempts to synthesize the recommendations of Zalusky and Fish and Game. It follows at № 3.

As mitigated, impacts to bats, and indeed to all special status species, will be less than significant.

- b.-d. Although the project includes removal of an existing, approximately ½ acre, off-stream irrigation pond, no impact to any federally-protected wetland, waters of the US, waters of the State, or any Napa County definitional stream is proposed... and none is foreseeable. As noted at "a.", above, Napa County environmental resource mapping (*Biological Critical Habitat Areas - California Red-legged Frog and Vernal Pool Fairy Shrimp*; *CNDDDB*; *Biological Surveys*; *Biological Points*; and *Sensitive Biotic Groups - Aquatic layers*) do not indicate the presence of candidate, sensitive, or special status species in or near the irrigation pond. However, because reservoirs are known to provide habitat for the endangered Western Pond Turtle, Planning staff requested a survey of the subject reservoir focused on potential impacts on turtles. The submitted survey, *Results of a Western Pond Turtle (Emys marmorata) Survey for the Swanson Vineyard Project* was prepared by Steve Zalusky, principal biologist for Northwest Biosurvey, and based on an April 27, 2011 site reconnaissance. According to the submitted survey letter;

The survey area is a constructed agricultural pond approximately 8 feet deep. The banks on three sides are fairly steep and contain no wetland vegetation. The western bank contains a band of tules. A small area of exposed rocks occurs at the southwest end of the pond. A pump operates nearly continuously at the south end of the pond, creating noise and local disturbance to the water.

No western pond turtles were observed during the survey. While western pond turtles range widely within the watersheds where they occur, they generally travel along riparian corridors or through wetlands. It is very unlikely that they will leave a riparian corridor to travel cross-country through commercial vineyards to a manmade upland reservoir. For this reason it is unlikely that turtles visit the pond.

The closest riparian habitat is a small constructed drainage 460 feet to the north. This drainage extends 1,500 feet north to Conn Creek through active vineyard. Turtles accessing the small reservoir would need to know that it existed and then travel 460 feet through vineyards and cross Money Road to reach it. Even then, the pond appears to lack suitable cover and food sources for turtles. Access from the Napa River seems even less likely. The river is approximately 3,300 feet to the southwest across a continuous expanse of active vineyard.

As analyzed above, impacts to wetlands, riparian habitats, and other sensitive natural communities will be less than significant. The proposed project will have no significant impacts on wildlife species or wildlife habitat. The project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or their corridors. Please see item "a.", above for a discussion of and mitigation measures addressing raptors, bats, and their respective nursery sites. As mitigated herein, impacts to native resident or migratory wildlife nursery sites will be less than significant.

- e. According to submitted materials, the project will result in the removal of ~~36-27~~ mature trees, including five sycamores ranging from 12 to 16 inches dbh, ~~19-14~~ walnuts ranging from 12 to ~~52-48~~ inches dbh, and a number of other trees including poplars, willows, individual oaks, and ornamentals. Excepting impacts to oak woodlands, Napa County does not have any local policies or ordinances addressing tree preservation. The project will not conflict with any local policies or ordinances protecting biological resources.
- f. There are no Habitat Conservation Plans, Natural Community Conservation Plans or other approved local, regional or state habitat conservation plans applicable to the subject parcel.

Mitigation Measures:

1. If it is determined that Northern California black walnuts must be removed, viable walnuts shall be collected from the large black walnuts prior to removing the trees. Walnuts collected from the black walnut trees shall be propagated and transplanted randomly, at a ratio of no less than three seedlings for each removed tree, throughout the riparian area adjacent to the Napa River at the property's western boundary; generally as shown in the April 11, 2011 *California Black Walnut Planting Plan for Swanson Vineyards* prepared by JoAnn Goodwin. Best practices for the protection, cultivation, placement, and irrigation of the Black Walnuts shall be utilized as outlined in the April 11, 2011 Goodwin plan. The permittee shall additionally deposit walnuts, seedlings, or other material as appropriate from the stand of Northern California black walnuts proposed to be removed with the California Native Plant Society, the Jepson Herbarium, or another botanical repository as deemed acceptable by the Planning Director. Should the subject trees be demonstrated to be of hybrid origin to the satisfaction of the Planning Director, no mitigation shall be necessary for their removal.

Method of Mitigation Monitoring: The Planning Division will inspect Black Walnut seedlings prior to project final. **RESPONSIBLE AGENCY(IES)-** Planning Division

2. The applicant/owner shall implement the following elements to avoid disturbing raptor nests:

Swanson Winery

Use Permit N° Po8-00550-UP and Variance N° Po8-00551-VAR

- Nest surveys shall be conducted no earlier than 14 days prior to tree removal and/or breaking ground. Surveys must be conducted a minimum of 3 separate days during the 14 days prior to disturbance. Survey results shall be submitted for the review and approval of the Planning Director, or her designee.
- In the event that nesting birds are found, the permittee shall consult with the Department of Fish and Game and obtain approval for nest-protection buffers prior to tree removal and/or earth disturbing activities.
- Nest protection buffers shall remain in effect until the young have fledged.
- All nest protection measures should apply to off-site impacts and within 300 feet of project activities.
- If a lapse in project-related work of 15 days or longer occurs, another focused survey, and if required consultation with DFG, will be required before work can be reinitiated.

Method of Mitigation Monitoring: Pre-construction survey reports must be submitted to the Planning Division and the Department of Fish and Game for review and approval prior to the initiation of construction. **RESPONSIBLE AGENCY(IES)-** Planning Division and the Department of Fish and Game

3. The applicant/owner shall implement the following elements to avoid disturbing bat roosting sites:

- A qualified biologist conduct a habitat assessment for potential suitable bat habitat no more than six months prior to the initiation of construction, demolition, or tree removal activities on site. Assessment results shall be submitted for the review and approval of the Planning Director, or her designee and the Department of Fish and Game.
- If the habitat assessment reveals suitable bat habitat, then a qualified biologist shall do a presence/absence survey during peak activity periods.
- If bats are present, the qualified biologist shall submit an avoidance plan to the Department of Fish and Game for approval. The avoidance plan shall evaluate the length of time of disturbance, equipment noise, and the type of habitat present on the site.

Method of Mitigation Monitoring: Pre-construction survey reports must be submitted to the Planning Division and/or the Department of Fish and Game for review and approval prior to the initiation of construction. **RESPONSIBLE AGENCY(IES)-** Planning Division and the Department of Fish and Game

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. According to Napa County Environmental Resource Mapping (*historic sites* layer), no listed historic resources are located on the subject parcel. However, the project area contains two buildings over 50 years old, both of which are proposed to be removed as a component of this application. In order to develop a more detailed and site-specific picture of these potential historic resources, the Planning Division requested that the applicant submit a professionally drafted historic resource report. The applicant contracted with historic architect Juliana Inman, who submitted a historic resources report and CEQA findings document dated December 7, 2009 (Inman, Juliana, *Historic Resource Report and CEQA Findings, New Winery Facility, Swanson Vineyards, Oakville Cross Road, Napa County, CA, December 7, 2009*). According to Ms. Inman;

The existing house is a simple bungalow style one story wood-sided house with hipped roof and centered hipped-roof dormer facing the front over a full front set-in porch. The porch has tapered half-columns set on a solid wood sided rail. The front door is centered and flanked by double one-over-one windows. The house has a good level of integrity and is in good condition, having

Swanson Winery

Use Permit N^o Po8-00550-UP and Variance N^o Po8-00551-VAR

experienced few alterations and appearing to have been well-maintained over the years. Style of the house dates its construction to the 1920's to 1930's.

...Although slightly altered at the rear, the house retains integrity of location, design, feeling, and association. The house is not a rare or unique example of its type and style of architecture or construction. It is possibly a good candidate for relocation.

The barn on the site is also a wood frame building, with gable front and rear, rough wood siding, double sliding barn doors at the front, small hay hood at the rear, and corrugated metal roofing. Style of framing, nails, wood milling, and hardware indicate a construction date similar to the house- probably the 1930's. The barn is in fair to poor condition.

... The barn retains some integrity of location, design, feeling, and association, but is in poor condition. It does not appear to be a good candidate for relocation due to structural inadequacy of the framing system.

In summary, Ms. Inman states that;

The house and the barn and the site containing both do not qualify for listing on the California or National Register... It is recommended that the State Historic Building Code be used in the event either building is relocated from this site since both buildings are over 50 years old and retain integrity that could continue to contribute to the agricultural history of Napa. This reviewer recommends offering both buildings for relocation for a period of 30 days in local newspapers and through local historic preservation groups prior to issuance of demolition permits. Since the buildings and site are not National Register eligible, relocation does not negatively impact the integrity of the buildings.

Since Ms. Inman indicates that neither structure is eligible for the National Register, the project will have no significant impact on historical resources and no mitigation is necessary. The applicant has, however, agreed to offer the existing residence and barn for relocation for a period of at least 30 days in local newspapers and through local historic preservation groups prior to (potential) demolition of the structures.

- b. According to Napa County Environmental Resource Mapping (archaeology surveys, archeology sites, archeologically sensitive areas, and archeology flags layers), the project area is not part of any known archeologically sensitive area. As a result, neither this project nor any resulting ministerial activity will foreseeably cause a substantial adverse change in the significance of an archeological resource.
- c. No unique paleontological or geological features are known to be located on or in the vicinity of the project site. As a result, neither this project nor any foreseeable resulting ministerial activity will cause a substantial adverse change in the significance of a paleontological or geological resource.
- d. No formal cemeteries are known to exist within the project area and, as noted above, no significant evidence of historic and/or prehistoric Native American settlement was found in the project area. Public Resources Code §5097.98, Health and Safety Code §7050.5, and CEQA §15064.5(e) detail the procedures to follow in case of the accidental discovery of human remains, including requirements that work be stopped in the area, that the County Coroner be notified, and that the most likely descendants be identified and notified via the Native American Heritage Commission. Foreseeable project-specific impacts to human remains are less than significant.

Mitigation Measures: No mitigation measures are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Swanson Winery

Use Permit N° Po8-00550-UP and Variance N° Po8-00551-VAR

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1997), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- ai. There are no known faults on the project site as shown on the most recent Alquist-Priolo earthquake fault map. As such, the proposed facility would not result in the rupture of a known fault.
- a.ii. All areas of the Bay Area are subject to strong seismic ground shaking. The proposed improvements must comply with all the latest building standards and codes at the time of construction, including the California Building Code, which will function to reduce any potential impacts to a less than significant level.
- a.iii. No subsurface conditions have been identified on the project site that would indicate a high susceptibility to seismic-related ground failure or liquefaction. Napa County Environmental Resource Mapping (*liquefaction* layer) indicates that the project area is generally subject to a "moderate" tendency to liquefy. The proposed winery must comply with all the latest building standards and codes at the time of construction, including the California Building Code, which would reduce any potential impacts related to liquefaction to a less than significant level.
- a.iv. Napa County Environmental Resource Maps (*landslide line*, *landslide polygon*, and *landslide geology* layers) do not indicate the presence of landslides or slope instability on the flat subject property.

- b. Based on Napa County environmental resource mapping and the *Soil Survey of Napa County, California* (G. Lambert and J. Kashiwagi, Soil Conservation Service), the entirety of the project area, and indeed the vast majority of the subject parcel, is comprised of soils classified as Pleasanton Loam (0 to 2 percent slopes). The Pleasanton soil series is characterized by well drained soils on alluvial fans and in flood plains. Pleasanton soils are formed in alluvium derived from sedimentary rock and the Pleasanton soils of Napa County are generally more acidic than those located elsewhere in Northern California. Permeability is moderately slow, with an effective rooting depth of 60 inches or more and a water capacity of eight to nine inches. Runoff is slow and the risk of erosion is slight. The proposed project will require incorporation of best management practices and will be subject to the Napa County Stormwater Ordinance, which addresses sediment and erosion control measures and dust control, as applicable, to ensure that development does not impact adjoining properties, drainages, and roadways.

- c.-d. Late Pleistocene-Holocene terrace deposits underlay the surficial soils in the project area. Based on Napa County Environmental Sensitivity Mapping (*liquefaction* layer) the project site has a "moderate" liquefaction predilection. Construction of the facility must comply with all the latest building standards and codes at the time of construction, including the California Building Code, which will function to reduce any potential impacts to a less than significant level.

- e. The Napa County Department of Environmental Management has reviewed this application and recommends approval based on the submitted wastewater feasibility report and septic improvement plans. Soils on the property have been determined to be adequate to support the proposed septic improvements. Please see the **HYDROLOGY AND WATER QUALITY** section, below, for a discussion of proposed wastewater treatment improvements.

Mitigation Measures: No mitigation measures are required.

Swanson Winery

Use Permit N° Po8-00550-UP and Variance N° Po8-00551-VAR

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VII. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate a net increase in greenhouse gas emissions in excess of applicable thresholds adopted by the Bay Area Air Quality Management District or the California Air Resources Board which may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with a county-adopted climate action plan or another applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. Construction and operation of the project analyzed in this initial study would contribute to overall increases in Greenhouse Gas (GHG) emissions by generating emissions associated with transportation to and from the site, emissions from energy used within buildings, and emissions from the use of equipment. In addition, the project would marginally decrease baseline carbon sequestration through the removal of ~~36-27~~ trees. The project-specific increase in GHG emissions would be relatively modest, given the estimated ~~250-195~~ maximum new vehicle trips per day, and increasingly stringent Title 24 energy conservation requirements imposed as part of the building permit process.

The Bay Area Air Quality Management District (BAAQMD) has established a significance threshold of 1,100 metric tons of carbon dioxide equivalents per year and screening criteria related to greenhouse gas emissions (GHG) for new development. While the District's screening table does not specifically address wineries, it suggests that "quality restaurants" less than 9,000 square feet in size and "warehousing" uses less than 64,000 square feet in size would not generate GHG in excess of the significance criterion(BAAQD Air Quality Guidelines, Table 3.1). The proposed winery includes an approximately 3,000 square foot hospitality building and approximately 35,500 additional square feet of floor area related to wine production. Since the proposed floor area is far below the screening levels for similar uses in the District's Guidelines, it's clear that the proposed winery would not generate GHG above the significance threshold established by the District, and further analysis (and quantification) of GHG emissions is not warranted.

- b. Overall increases in GHG emissions in Napa County were assessed in the Environmental Impact Report (EIR) prepared for the Napa County General Plan Update and certified in June 2008. GHG emissions were found to be significant and unavoidable in that document, despite the adoption of mitigation measures incorporating specific policies and action items into the General Plan.

The County's proposed October 31, 2011 Draft Climate Action Plan (CAP) would require discretionary projects to reduce their emissions 38% below "business as usual" in 2020 by applying a combination of State, local, and project-specific measures. Since the CAP is not formally adopted it is not considered a significance threshold for CEQA purposes. Nonetheless, the applicant has proposed the following features and measures in conformance with the CAP: two electric vehicle charging stations, a substantial roof-mounted solar array, secured bicycle parking, high-efficiency irrigation, ultra efficient water fixtures, and recycled and/or low VOC construction materials. Additional greenhouse gas reduction measures are detailed in the applicant's February 9, 2012 "Checklist of Voluntary Greenhouse Gas Reduction Measures". The proposed measures, and in particular the proposed solar array and electric vehicle charging stations, would almost certainly reduce project GHG emissions by more than the 38% required by the draft CAP.

~~Consistent with these General Plan action items, Napa County participated in the development of a community-wide GHG emissions inventory and "emission reduction framework" for all local jurisdictions in the County in 2008-2009. This planning effort was completed by the Napa County Transportation and Planning Agency in December 2009, and is currently serving as the basis for development of a refined inventory and emission reduction plan for unincorporated Napa County.~~

~~During our ongoing planning effort, the County requires project applicants to consider methods to reduce GHG emissions consistent with Napa County General Plan Policy CON-65(e). The applicants have incorporated GHG reduction methods where feasible including: solar panels, secured bicycle parking, high-efficiency irrigation, recycled and/or low VOC construction materials.~~

Pursuant to State CEQA Guidelines Section 15183, because this initial study assesses a project that is consistent with an adopted General Plan for which an environmental impact report (EIR) was prepared, it appropriately focuses on impacts which are "peculiar to the project,"

rather than the cumulative impacts previously assessed. The relatively modest increase in emissions expected as a result of the project would be well below the significance threshold suggested by BAAQMD, and in compliance with the County's General Plan efforts to reduce emissions described above. For these reasons, project impacts related to GHG emissions are considered less than significant.

Mitigation Measures: No mitigation measures are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wild-land fires, including where wild-lands are adjacent to urbanized areas or where residences are intermixed with wild-lands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a.-b. A Hazardous Materials Management Plan will be required by the Department of Environmental Management prior to occupancy of the new winery facility. Such plans provide information on the type and amount of hazardous materials stored on the project site. The proposed project will not result in a significant risk of release of hazardous materials into the environment.
- c. There are no schools located within ¼ mile of the project site; the closest school is the St. Helena Cooperative Nursery School, which is located approximately two miles to the northwest.
- d. Napa County environmental resource mapping (*hazardous facilities* layer) indicates that there are no hazardous materials sites on the property. ~~two agricultural fuel underground storage tanks located on the subject parcel – a 1,000 gallon tank and a second 500 gallon tank. Because each tank is less than 1,100 gallons and used primarily for agricultural purposes, they are exempt from regulation and are not deemed a potential hazardous waste site. There is no record of a release. However, because there is some possibility that future construction could accidentally impact the tank, a mitigation measure has been incorporated which requires that the tanks be located and a tank location plan be submitted as part of any building permit application associated with this approval. With required mitigation, risks associated with the tank and with any accidental discharge of hazardous materials are considered less than significant.~~

Swanson Winery

Use Permit N° Po8-00550-UP and Variance N° Po8-00551-VAR

- e.-f. The project site is not located within two miles of any airport, be it public or private, and is not subject to any Airport Land Use Plan.
- g. The project has been designed to comply with emergency access and response requirements and has been reviewed by the Napa County departments responsible for emergency services; it will not have a negative impact on emergency response planning.
- h. The project is located in an area dominated by intensive irrigated agriculture. Risks associated with wildland fire in the direct vicinity are quite low; and to the extent they exist they are primarily associated with smoke related damage to wine grapes (smoke taint) and not with risks to life or structures. The Napa County Fire Marshal has reviewed this application and believes there is adequate fire service in the area. This project will not expose people or structures to a significant risk of loss, injury or death involving wild-land fires.

Mitigation Measures: No mitigation measures are required.

~~2. Prior to the issuance of a building permit for any construction associated with this project, the permittee shall have the onsite agricultural underground storage tank(s) located and shall submit a site plan depicting the tank for the review and approval of Building, Planning, and Environmental Management. If construction is proposed which may impact the tank, it must be removed and appropriately disposed of.~~

~~Method of Mitigation Monitoring: Mitigation Measure No 4 requires the permittee to submit a tank location plan prior to the issuance of a building permit. If the mitigation measure is not complied with, the County will not issue a building permit for the proposed work.~~
RESPONSIBLE AGENCY(IES): Planning Division

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

Swanson Winery

Use Permit No Po8-00550-UP and Variance No Po8-00551-VAR

- a. The proposed project will not violate any water quality standards or waste discharge requirements. The applicant has submitted a project Septic Feasibility Report which evaluates the feasibility of installing new subsurface gravity leach fields for on-site disposal of both the winery's domestic and process wastewater (Steven Koldis for Riechers & Spence Associates Consulting Civil Engineers, *Septic Feasibility Report for Swanson Winery*, August 27, 2010). Mr. Koldis proposes that domestic and process waste be treated separately before being combined for discharge. Domestic wastewater would be treated in standard septic tanks with a grease interceptor installed on the kitchen waste lines. Process wastewater will initially pass through a 5,000 gallon surge tank designed to buffer peak flows, it will then run through a 2,500 gallon aeration tank, a 5,000 gallon equalization tank, a 2,500 gallon recirculation tank, a treatment system including five Orenco AX-100 pods, and a 10,000 gallon clarifying pump tank prior to disposal to a combined 3,550 linear foot leachfield. The Napa County Department of Environmental Management has reviewed the proposed domestic and process wastewater systems and recommends approval as conditioned. Additionally, the applicant will be required to obtain all necessary permits from the Napa County Department of Public Works, including a Stormwater Pollution Management Permit. The permit will provide for adequate on-site containment of runoff during storm events through placement of siltation measures around the development area.
- b. Minimum thresholds for water use have been established by the Department of Public Works using reports by the United States Geological Survey (USGS). These reports are the result of water resources investigations performed by the USGS in cooperation with the Napa County Flood Control and Water Conservation District. Any project which reduces water usage or any water usage which is at or below the established threshold, is assumed not to have a significant effect on groundwater levels.

Based on the submitted *Phase One* water availability analysis, the 74 acre subject valley-area parcel has a water availability calculation of 74 acre feet per year (af/yr), which is arrived at by multiplying its 74 acre size by a one af/yr/acre fair share water use factor. According to the applicant, existing water usage on the parcel is approximately 17.5 af/yr, including .5 af/yr for residential use, 9.8 af/yr for irrigation of established vineyards, and 7.2 af/yr for frost protection. This application proposes an additional 2.15 af/yr of winery water use, .5 af/yr for landscaping, and no decrease in vineyard water use despite the fact that 2.61.2 acres of vines are to be removed. As a result of the foregoing, annual water demand for this parcel would increase to 19.65 af/yr. Based on these figures, the project would be below the established threshold for groundwater use on the property. The County is not aware of, nor has it received any reports of, groundwater shortages near the project area. The project will not interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater level.

- c.-e. ~~There are no existing or planned stormwater systems that would be affected by this project.~~ As the project will likely result in disturbance to more than one acre of land, the permittee will be required to comply with the requirements of the Regional Water Quality Control Board addressing stormwater pollution during construction. The area surrounding the project is pervious ground that is planted to vineyards and has the capacity to absorb runoff, however, there is a know pre-existing drainage condition at the corner of Money Road and Oakville Cross Road which has traditionally resulted in standing water accumulation in the area following rain events and for longer periods in particularly wet winters. Quoting from the submitted Pump System Modification Plan (Christopher Tibbits for Riechers & Spence Associates Consulting Civil Engineers, *Preliminary Pump System Modification Plan for Management of Additional Runoff*, February 2, 2012):

The County of Napa is currently taking remedial action to restore an existing 18" culvert at the corner of Money Road and Oakville Cross Road as well as the crushed culvert crossing Oakville Cross Road. Historically, stormwater flows from the site were discharged south and east through these culverts.

Currently, existing runoff is collected at a drain tile sump located near the residential buildings on Money Road, and pumped to a detention pond on the northeast corner of the site. There is one 3-phase 3.7 hp pump at this Money Road Tile Sump, with room for a second pump. A diesel pump located at the detention pond then draws water from the pond to recharge a reservoir on the southwest corner of the site. Excess water from the reservoir is discharged to the Napa River.

The installed vineyard frost protection system typically draws from the reservoir, but is also capable of drawing directly from the detention pond, the Napa River, and from two of the three wells located on the site. The reservoir is typically recharged by the Money Road Tile Sump via the detention pond and by a second Tile Sump adjacent to Oakville Cross Road, southwest of the area of development. It is also capable of being recharged by the Napa River, the two onsite wells, and a well located on the neighboring Oakville Cross Road guest house (also owned by Swanson).

The applicant proposes to address the additional runoff which the project would cause in a 100-year storm by diverting it into the existing reservoir adjacent to the Napa River. Again according to the submitted Pump System Modification Plan, "with the installation of a new 3-phase 3.7 hp pump, the relocated Money Road Tile Sump will have the capacity to divert all additional runoff generated by the proposed development to the existing reservoir... these measures will ensure that the proposed winery development will not increase the runoff loads to the existing Money Road – Oakville Cross Road culvert." The applicant proposes to make the above-described drainage improvements as a component of this project.

Swanson Winery

Use Permit N° Po8-00550-UP and Variance N° Po8-00551-VAR

A mitigation measure is included below requiring that the applicant implement the recommendations of the Riechers & Spence Pump System Modification Plan. If the existing on-site drainage system is improved and operated as recommended in that plan, stormwater flows will be reduced to a pre-project condition (or better) and stormwater impacts would be deemed less than significant.

- f. There is nothing included in this proposal that would otherwise substantially degrade water quality. As discussed in greater detail at, "a.," above, the Department of Environmental Management has reviewed the proposed wastewater improvements and has found the proposed system adequate, as conditioned, to meet the facility's septic and process wastewater treatment and disposal needs. No information has been encountered that would indicate a substantial impact to water quality.
- g. This project proposes no housing development and, in fact, would result in the demolition of one existing housing unit which is presently located within the 100-year floodplain. No housing would be placed within a mapped flood zone.
- h. According to Napa County environmental resource mapping (*Floodplain and Flood Zones* layers), the entirety of the subject parcel is located within the 100-year floodplain. FEMA mapped floodplains are divided into two areas, the larger "floodplain," which is the area adjoining a river or stream which has been, or may in the future be, covered by flood water and the smaller "floodway," which includes the channel of a river or stream and the parts of the floodplain adjoining the channel that are reasonably required to carry and discharge flood water in the event of a 100-year storm. The calculation and definition of floodplain and floodway boundaries is a highly complicated and technical business, but for purposes of this environmental analysis, the key regulatory difference between the floodplain and the floodway is that new structures are generally not allowed in the floodway while in the floodplain they may be allowed provided that the finished floor level of the building is located above the base flood elevation. As noted above, the entirety of the subject parcel is located within the FEMA-mapped 100-year floodplain; the vast majority of the property is also located within the FEMA floodway, though a small 150 to 200 foot wide strip of land along the eastern property line (adjacent to Money Road) is located in the floodplain but outside of the floodway. Virtually all of the structural development proposed in this application is to be located in this thin strip and would be constructed such that placed atop 6,600 cubic yards of fill to raise the finished floor level is either raised above the base flood elevation or, as in the case of the lower barrel storage level, placed behind flood walls and flood doors that will protect it from inundation in the case of a flood event. Development No structural development is being proposed within the floodway (though is proposed to be limited to flatwork, such as the facility's parking lot, and a gate and entry structure to be located at the proposed entry drive. In a letter dated December 20, 2011, Christopher Tibbits, PE of Richers Spence and Associates analyzed the floodway blockage to be caused by the proposed entry structure and determined that, "the volume of blockage removed by eliminating four trees for the proposed driveway and by the creation of the driveway swale" exceeded the blockage to be added by the proposed entry structure by some 104.38 cubic feet. As a result, the situation in the floodway itself will be marginally improved by this project.

Modeling of floodplain impacts outside of the floodway itself, such as for projects located solely within the 100 year floodplain, is not required by the County's flood ordinance. However, the applicant team has responded to concerns raised by the Department of Public Works and by a number of neighboring property owners and completed a HEC-RAS (for reference please see <http://www.hec.usace.army.mil/software/hec-ras/>) model of the flood impacts of the proposed Swanson Winery project within the 100 year floodplain. The full analysis can be reviewed in the August 24, 2011 letter of Christopher Tibbits, PE to applicant's counsel. Mr Tibbits concludes that, although the proposed winery structure would increase flood levels by slightly more than 1/3 of an inch at certain points on the applicant's property, there would be no impact on any neighboring property. In addition, the stormwater management improvements discussed at "c.-e.," above will address additional runoff caused by the new building itself. ~~will be located within that zone) and improvements within the 100-year floodplain will be required to meet the requirements of the building code, construction standards established by Napa County Public Works for development in a floodplain, and the County's floodplain management ordinance. All told, these overlapping regulations will function to reduce any~~ A modeled in the submitted HEC-RAS study and analyzed herein, impacts associated with flooding will be to a less than significant level.

- i. According to Napa County environmental resource mapping (*Dam Levee Inundation* layer), the entirety of the project area is located within the Conn, Rector, and Bell Canyon Dam inundation areas. In the unlikely event that any of these various dams were to fail, visitors and employees would likely be subject to troubling volumes of water. However, dams are subject to regular inspection by the California Department of Conservation, Division of Dam Safety, and the State's ongoing dam inspection program insures that any risks associated with dam failure are less than significant.
- j. In coming years, higher global temperatures are expected to raise sea level by expanding ocean water, melting mountain glaciers and small ice caps, and causing portions of Greenland and the Antarctic ice sheets to melt. The Intergovernmental Panel on Climate Change estimates that the global average sea level will rise between 0.6 and 2 feet over the next century (IPCC, 2007). However, the project area is located at approximately 125 feet in elevation and there is no known history of mud flow in the vicinity. The project will not subject people or structures to a significant risk of inundation from tsunami, seiche, or mudflow.

Mitigation Measures: No mitigation measures are required.

Mitigation Measures:

4. The project shall comply with the recommendations of the submitted *Preliminary Pump System Modification Plan for Management of Additional Runoff*, including installation of a new pump, relocation of the Money Road sump, installation of new drain lines, and other improvements as described therein.

Method of Mitigation Monitoring: The County will not allow final occupancy of the proposed winery until project proponents have implemented the subject plan to the satisfaction of the Planning Director, or her designee. **RESPONSIBLE AGENCY(IES)-** Planning Division

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a. The proposed project is located in an area dominated by agricultural, residential, and open space uses and the improvements proposed here are in support of ongoing agricultural uses county-wide, as they provide a market for grapes grown within Napa County. This project will not divide an established community
- b. The subject parcel is located in the AP (Agricultural Preserve) zoning district, which allows wineries and winery-accessory uses subject to use permit approval. Upon grant of the ~~With the~~ winery road setback variances requested here, the project would be fully compliant with the physical limitations of the Napa County Zoning Ordinance. The County has adopted the Winery Definition Ordinance (WDO) to protect agriculture and open space and to regulate winery development and expansion in a manner that avoids potential negative environmental effects.

Agricultural Preservation and Land Use Policy **AG/LU 1** of the 2008 General Plan states that the County shall, "preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County." The property's General Plan land use designation is AR (Agricultural Resource), which allows "agriculture, processing of agricultural products, and single-family dwellings." More specifically, General Plan Agricultural Preservation and Land Use Policy **AG/LU-2** recognizes wineries and other agricultural processing facilities, and any use clearly accessory to those facilities, as agriculture. The project would allow for the continuation of agriculture as a dominant land use within the county and is fully consistent with the Napa County General Plan.

The proposed use of the property for the "fermenting and processing of grape juice into wine" (NCC §18.08.640) supports the economic viability of agriculture within the county consistent with General Plan Agricultural Preservation and Land Use Policy **AG/LU-4** ("The County will reserve agricultural lands for agricultural use including lands used for grazing and watershed/ open space...") and General Plan Economic Development Policy **E-1** ("The County's economic development will focus on ensuring the continued viability of agriculture...").

The General Plan includes two complimentary policies requiring that new wineries, "...be designed to convey their permanence and attractiveness." (General Plan Agricultural Preservation and Land Use Policy **AG/LU-10** and General Plan Community Character Policy **CC-2**). The buildings proposed here are generally of a high architectural quality and are in keeping with the primary agricultural character of the site and its surroundings. The proposed winery structures will convey the required permanence and attractiveness.

- c. There are no habitat conservation plans or natural community conservation plans applicable to the property.

Mitigation Measures: No mitigation measures are required.

Swanson Winery

Use Permit N^o Po8-00550-UP and Variance N^o Po8-00551-VAR

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XI. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a.-b. Historically, the two most valuable mineral commodities in Napa County in economic terms have been mercury and mineral water. More recently, building stone and aggregate have become economically valuable. Mines and Mineral Deposits mapping included in the Napa County Baseline Data Report indicates that there are no known mineral resources nor any locally important mineral resource recovery sites located on the project site (*Mines and Mineral Deposits*, Napa County Baseline Data Report, Figure 2-2). The nearest known resource is the former McGill Rock and Sand Company operation, which was located in Conn Creek, to the southeast.

Mitigation Measures: No mitigation measures are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XII. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a.-d. The proposed project would result in a temporary increase in noise levels during the project construction phase. Construction activities will be limited to daylight hours using properly muffled vehicles; and, as a result, noise generated during this time is not anticipated to be significant. The proposed project would not result in long-term significant construction noise impacts. Construction activities would generally occur during the period between 7 am and 7 pm on weekdays- normal waking hours. All construction activities will be conducted in compliance with the Napa County Noise Ordinance (N.C.C. Chapter 8.16).

Noise from winery operations is generally limited; however, the proposed marketing plan could create additional noise impacts. The submitted marketing plan includes a number of annual events, one of which would include up to 250 visitors. The Napa County Exterior

Swanson Winery

Use Permit N° Po8-00550-UP and Variance N° Po8-00551-VAR

Noise Ordinance, which was adopted in 1984, sets the maximum permissible received sound level for a rural residence as 45 db between the hours of 10 p.m. and 7 a.m. While the 45 db limitation is strict (45 db is roughly equivalent to the sound generated by a quiet conversation), much of the area around the proposed winery is given over to agricultural uses and standard winery conditions of approval are designed to minimize noise impacts on neighboring properties associated with outdoor amplified music by requiring;

There shall be no amplified sound system or amplified music utilized outside of approved, enclosed, winery buildings.

In addition, continuing enforcement of Napa County's Exterior Noise Ordinance by the Department of Environmental Management and the Napa County Sheriff, including a separate and reinforcing prohibition against outdoor amplified music, should ensure that marketing events and other winery activities do not create a significant noise impact.

e.-f. The project site is not subject to an airport land use plan nor is it located within two miles of a public airport or private airstrip.

Mitigation Measures: No mitigation measures are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XIII. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a. The Association of Bay Area Governments' *Projections 2009* figures indicate that the total population of Napa County is projected to increase some 7.2% by the year 2035, while county-wide employment is projected to increase by 29% in the same period (Metropolitan Transportation Commission, *Superdistrict and County Summaries of ABAG's Projections 2009 - 2000-2035 Data Summary*, September 2009). The new employee positions which are part of this project may lead to some population growth within Napa County. However, relative to the county's projected low to moderate growth rate and overall adequate programmed housing supply, that population growth does not rise to a level of environmental significance.

Cumulative impacts related to population and housing balance were identified in the 2008 General Plan EIR. As set forth in Government Code §65580, the County of Napa must facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community. Similarly, CEQA recognizes the importance of balancing the prevention of environmental damage with the provision of a "decent home and satisfying living environment for every Californian." (See Public Resources Code §21000(g).) The 2008 General Plan sets forth the County's long-range plan for meeting regional housing needs, during the present and future housing cycles, while balancing environmental, economic, and fiscal factors and community goals. In addition, the project will be subject to the County's housing impact mitigation fee, which provides funding to meet local housing needs.

b.-c. An existing occupied single family residence is proposed to be demolished to allow construction of the winery facilities proposed in this application. While the proposal would therefore result in the loss of one dwelling unit, in practice, given the county's projected low to moderate growth rate and overall adequate programmed housing supply, the loss of that dwelling unit is not deemed significant either individually or cumulatively. This application will not displace a substantial volume of existing housing or a substantial number of people and will not necessitate the construction of replacement housing elsewhere.

Mitigation Measures: No mitigation measures are required.

Swanson Winery

Use Permit N° Po8-00550-UP and Variance N° Po8-00551-VAR

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XIV. PUBLIC SERVICES. Would the project result in:				
a) Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. Public services are currently provided to the subject parcel and, as a result, the additional demand placed on existing services will be marginal. Fire protection measures are required as part of the development pursuant to Napa County Fire Marshall conditions and there will be no foreseeable impact to emergency response times with the adoption of standard conditions of approval. The Fire and Public Works Departments have reviewed the application and recommend approval as conditioned. School impact mitigation fees, which assist local school districts with capacity building measures, will be levied pursuant to building permit submittal. The proposed project will have little to no impact on public parks. County revenue resulting from building permit fees, property tax increases, and taxes from the sale of wine and wine-related products will help meet the costs of providing public services to the facility. The proposed project will have a less than significant impact on public services.

Mitigation Measures: No mitigation measures are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XV. RECREATION. Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a.-b. This application proposes a new winery, including construction of new winery facilities and systems, new on-site employment, tours and tasting by appointment, and a number of marketing events. No portion of this project, nor any foreseeable result thereof, would significantly increase the use of existing recreational facilities. This project does not include new recreational facilities of any description.

Mitigation Measures: No mitigation measures are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVI. TRANSPORTATION/TRAFFIC. Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system and/or conflict with General Plan Policy CIR-16 , which seeks to maintain an adequate Level of Service (LOS) at signalized and unsignalized intersections, or reduce the effectiveness of existing transit services or pedestrian/bicycle facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the Napa County Transportation and Planning Agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially increase hazards due to a design feature, (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with General Plan Policy CIR-23 , which requires new uses to meet their anticipated parking demand, but to avoid providing excess parking which could stimulate unnecessary vehicle trips or activity exceeding the site's capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a.-b. The site is located on Oakville Cross Road, approximately one mile east of Oakville proper and perpendicular to and half way between the Napa Valley's two major north-south arterials, Highway 29 and the Silverado Trail. Oakville Cross Road is a Napa County-designated collector road and is essentially a two-lane rural road in the vicinity of the proposed winery. While the Swanson Winery would be located directly adjacent to Money Road, a dead-end public road running generally north-south and providing access to residential and agricultural properties to the north, no driveway connection to Money Road is proposed as part of this project. The sole driveway access to the proposed winery would be from Oakville Cross, approximately 100 feet west of the main driveway entrance to Silver Oak Wine Cellars, a 433,210,000 gallon per year facility with open-to-the-public visitation. It should be noted that Silver Oak ~~is presently applying~~ was recently approved to increase its production ~~to 210,000 gallons per year~~ and to double on-site employment levels to 50 full-time employees. Oakville Cross Road has recently been widened to accommodate a two-way-left-turn-lane at Money Road and the Silver Oak Wine Cellars driveway. The widening extends from approximately 300' to the east of the Silver Oak driveway to a point about 300 feet west of Money Road. The applicant has submitted a traffic study which analyzes existing and proposed traffic conditions in the project vicinity and provides the basis for this analysis (Nickelson, George, P.E, *Updated Traffic Analysis for a Proposed Swanson Winery on Oakville Cross Road in Napa County*, August 26, 2010).

Traffic conditions on roads and at intersections are generally characterized by their "level of service" or LOS. LOS is a convenient way to express the ratio between volume and capacity on a given link or at a given intersection, and is expressed as a letter grade ranging from LOS A through LOS F. Each level of service is generally described as follows:

LOS A- Free-flowing travel with an excellent level of comfort and convenience and freedom to maneuver.

LOS B- Stable operating conditions, but the presence of other road users causes a noticeable, though slight, reduction in comfort, convenience, and maneuvering freedom.

LOS C- Stable operating conditions, but the operation of individual users is substantially affected by the interaction with others in the traffic stream.

LOS D- High-density, but stable flow. Users experience severe restrictions in speed and freedom to maneuver, with poor levels of comfort and convenience.

Swanson Winery

Use Permit N° Po8-00550-UP and Variance N° Po8-00551-VAR

LOS E- Operating conditions at or near capacity. Speeds are reduced to a low but relatively uniform value. Freedom to maneuver is difficult with users experiencing frustration and poor comfort and convenience. Unstable operation is frequent, and minor disturbances in traffic flow can cause breakdown conditions.

LOS F- Forced or breakdown conditions. This condition exists wherever the volume of traffic exceeds the capacity of the roadway. Long queues can form behind these bottleneck points with queued traffic traveling in a stop-and-go fashion. (2000 Highway Capacity Manual, Transportation Research Board)

According to traffic counts conducted by Mr. Nickelson during the Summer of 2008, Oakville Cross Road sees a traffic volume of 2,015 daily vehicles on a peak summer Friday and 1,539 vehicles on a peak summer Saturday. Counts additionally indicated that two-way peak hour flows were 164 vehicles during the weekday PM peak hour and 286 vehicles during the Saturday afternoon peak hour. According to the Nickelson study, the proposed winery would generate 83 daily trips on a typical weekday, 195 daily trips on a peak Saturday, and 80 typical daily trips during the eight week harvest season. At a 20% peak hour rate, these traffic volumes would result in 17 trips during the typical weekday afternoon peak hour and 39 trips during the weekend peak hour. At these predicted traffic volumes, outbound project traffic would operate at LOS A during both weekday and weekend peak hours. Additionally, due to the need to on-haul a significant amount of fill during the construction phase, the applicant team estimates that 66 10-yard trucks would travel to and from the site daily during a ten day construction grading period, resulting in a maximum of 132 +/- grading phase daily truck trips (revised 7.11.11 consistent with State CEQA Guidelines §15073.5(c)(4)).

Quoting the Nickelson study regarding the need for turn lanes;

Napa County warrants for left turn lanes are based on the daily traffic volumes on both the main road and the access road. Based on the peak summer season weekday and Saturday volumes and the County warrant standards, a left-turn lane would be required in Oakville Cross Road at the site access. The projected peak hour volumes in/out of the site driveway are well below minimum thresholds at which right-turn lanes (deceleration and acceleration) would be required. ...the driveway would have two inbound left-turns during a weekday PM peak hour and 10 inbound left turns during a Saturday afternoon peak hour.

As noted under the description of existing conditions, Oakville Cross Road has recently been widened to accommodate a two-way-left-turn-lane at Money Road and the Silver Oak Cellars driveway (actual TWLTL striping had not been completed at the time of this report). The widening extends to about 300 feet west of Money Road, and as such provides additional roadway width adjacent to the proposed Swanson Winery site access.

With the turn lane improvements recommended in the project traffic study and already incorporated into the project by the applicant, this project will not result in a significant increase in traffic or a decrease in the existing roadway level of service either individually or cumulatively. Impacts to signalized and unsignalized intersections will be less than significant. There will be no impact to existing transit services or pedestrian/bicycle facilities

- c. The proposed project would not result in any change to air traffic patterns.
- d.-e. Access to the proposed winery would be from a new 20 foot wide driveway located some 100 feet west of the main driveway entrance to Silver Oak Wine Cellars and approximately 160 feet west of Money Road. As Oakville Cross Road is quite straight, sightlines to the east and west of the proposed driveway are well in excess of the 450 feet required for the vehicle speeds measured by Nickelson. The Department of Public Works has reviewed project access and recommends approval with standard conditions related to driveway improvements. The Napa County Fire Marshall has reviewed this application and has identified no significant impacts related to emergency vehicle access provided that standard conditions of approval are incorporated. Project impacts related to traffic hazards and emergency access are expected to be less than significant.
- f. This application proposes ~~69~~70 parking spaces, including 3 disabled-accessible spaces and 25 employee spaces. The winery would have up to 30 full-time employees (with 35 during crush) along with 200 busiest-day by-appointment tours and tasting visitors. Given those figures, the ~~69~~70 proposed parking spaces should be ample. Standard conditions of approval disallowing parking in the right-of-way and requiring the shuttling of special event visitors from off-site where special marketing event visitation exceeds parking capacity should guarantee adequate parking during the largest 250 person special marketing event. The project will not conflict with General Plan Policy **CIR-23** so as to cause potentially significant environmental impacts.
- g. There is no aspect of this proposed project that would conflict with any adopted policies, plans or programs supporting alternative transportation. The project proposes secured bike parking.

Mitigation Measures: No mitigation measures are required.

Swanson Winery

Use Permit N° Po8-00550-UP and Variance N° Po8-00551-VAR

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVI.	UTILITIES AND SERVICE SYSTEMS. Would the project:				
a)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Require or result in the construction of a new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Require or result in the construction of a new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a. The project will not exceed wastewater treatment requirements as established by the Regional Water Quality Control Board and will not result in a significant impact on the environment relative to wastewater discharge. Wastewater disposal will be accommodated on-site and in compliance with State and County regulations.
- b. This application proposes new domestic and process wastewater systems as described at **HYDROLOGY AND WATER QUALITY**, above. The Napa County Department of Environmental Management has reviewed the proposed domestic and process wastewater systems and recommends approval as conditioned. Required wellhead setbacks and ongoing monitoring of the facility's wastewater systems by the Department of Environmental Management should reduce any impacts on water quality to less than significant levels. The new wastewater treatment system will not result in significant environmental impacts over permitted baseline levels.
- c. The project will not require or result in the construction of new storm water drainage facilities or an expansion of existing facilities which would cause a significant impact to the environment.
- d. As discussed at the **HYDROLOGY AND WATER QUALITY** section, above, groundwater usage will remain below the property's fair share volume. No new or expanded entitlements are necessary.
- e. Domestic wastewater will be treated on-site and will not require a wastewater treatment provider. Process wastewater will likewise be treated and disposed of on-site consistent with the requirements of the Napa County Department of Environmental Management.
- f. The project will be served by a landfill with sufficient capacity to meet the project's demands. No significant impact will occur from the disposal of solid waste generated by the project.
- g. The project will comply with all federal, state, and local statutes and regulations related to solid waste.

Mitigation Measures: No mitigation measures are required.

Swanson Winery

Use Permit N° Po8-00550-UP and Variance N° Po8-00551-VAR

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVII. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>
Discussion:				
a. <u>As mitigated.</u> The project would have a less than significant impact on wildlife resources. No sensitive resources or biologic areas will be converted or affected by this project. Also as analyzed above, the project would not result in a significant loss of native trees, native vegetation, or important examples of California's history or pre-history.				
b. As discussed above, and in particular under Air Quality, Transportation/Traffic, and Population and Housing the proposed project does not have <u>significant</u> impacts that are individually limited, but cumulatively considerable.				
c. <u>As mitigated.</u> There are no environmental effects caused by this project that would result in substantial adverse effects on human beings, whether directly or indirectly. No hazardous conditions resulting from this project have been identified. The project would not have any environmental effects that would result in significant impacts.				

Mitigation Measures: No additional mitigation measures are required.

ATTACHED: 7.29.11 BAT & RAPTOR STUDY REPORT

Swanson Winery

Use Permit No Po8-00550-UP and Variance No Po8-00551-VAR

**RESULTS OF BAT and RAPTOR SURVEY
FOR THE SWANSON VINEYARDS
DEMOLITION PROJECT APN 031-040-033**

July 29, 2011

**Prepared by
Northwest Biosurvey**



**RESULTS OF BAT SURVEY and RAPTOR SURVEY
FOR THE SWANSON VINEYARDS
DEMOLITION PROJECT APN 031-040-033**

July 29, 2011

Prepared for: Mr. Clarke Swanson Jr.
P.O. Box 148
Oakville, CA 94562

Prepared by: Northwest Biosurvey
P.O. Box 191
Cobb, CA 95426
(707) 928-1985

1. **INTRODUCTION:**

This report provides the results of a survey for bats with sensitive regulatory status, including pallid bat (*Antrozous pallidus*), and for raptors (birds of prey) and owls. Surveys were conducted on July 27, 2011 at the location of the proposed Swanson Vineyard demolition project on APN 031-040-033 in Napa County, California. A location map is provided in Figure 1. A plan view map of the project site is provided in Figure 2.

2. **PRESURVEY RESEARCH:**

Prior to conducting surveys Northwest Biosurvey reviewed California Natural Diversity Database records and map overlays of the Rutherford U.S.G.S. 7 ½' Topographic map area within which the project lies. Based on this database, there is an account of pallid bats approximately two miles north of the project site. The location of this account is shown in Figure 2.

3. **SURVEY PROCEDURE:**

Bat Surveys: All of the trees and structures shown in Figure 2 and proposed for removal were inspected for bats. The attics of each structure and other enclosed spaces were inspected for bats and bat sign. Bat sign included droppings, dead bats, and distinctive bat scent and vocalizations. Any bats present would be identified to species with a low intensity flashlight. All trees were inspected for potential as bat habitat. Habitat includes hollow trunks or branches and peeling bark. Any potential habitat was photographed and mapped in Figure 2.

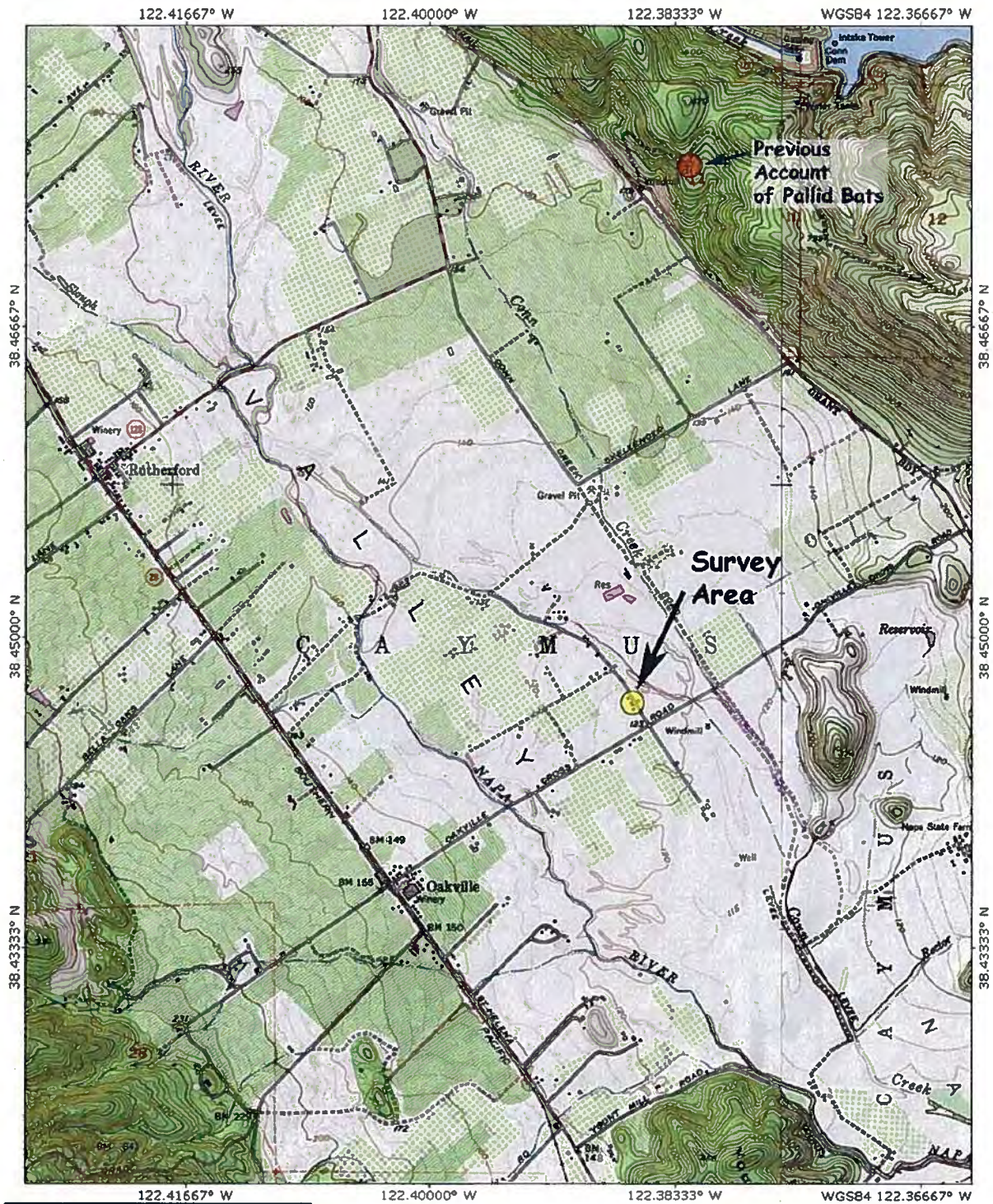
Raptor Surveys: Raptor surveys within this very small survey area were limited to visual inspections of trees for raptor stick nests, and visual surveys for raptors within the survey area.


4. **SURVEY DATES:**

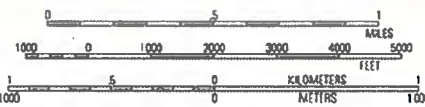
July 27, 2011; 9:30 a.m. to 11:00 a.m.

5. **SURVEY STAFF:**

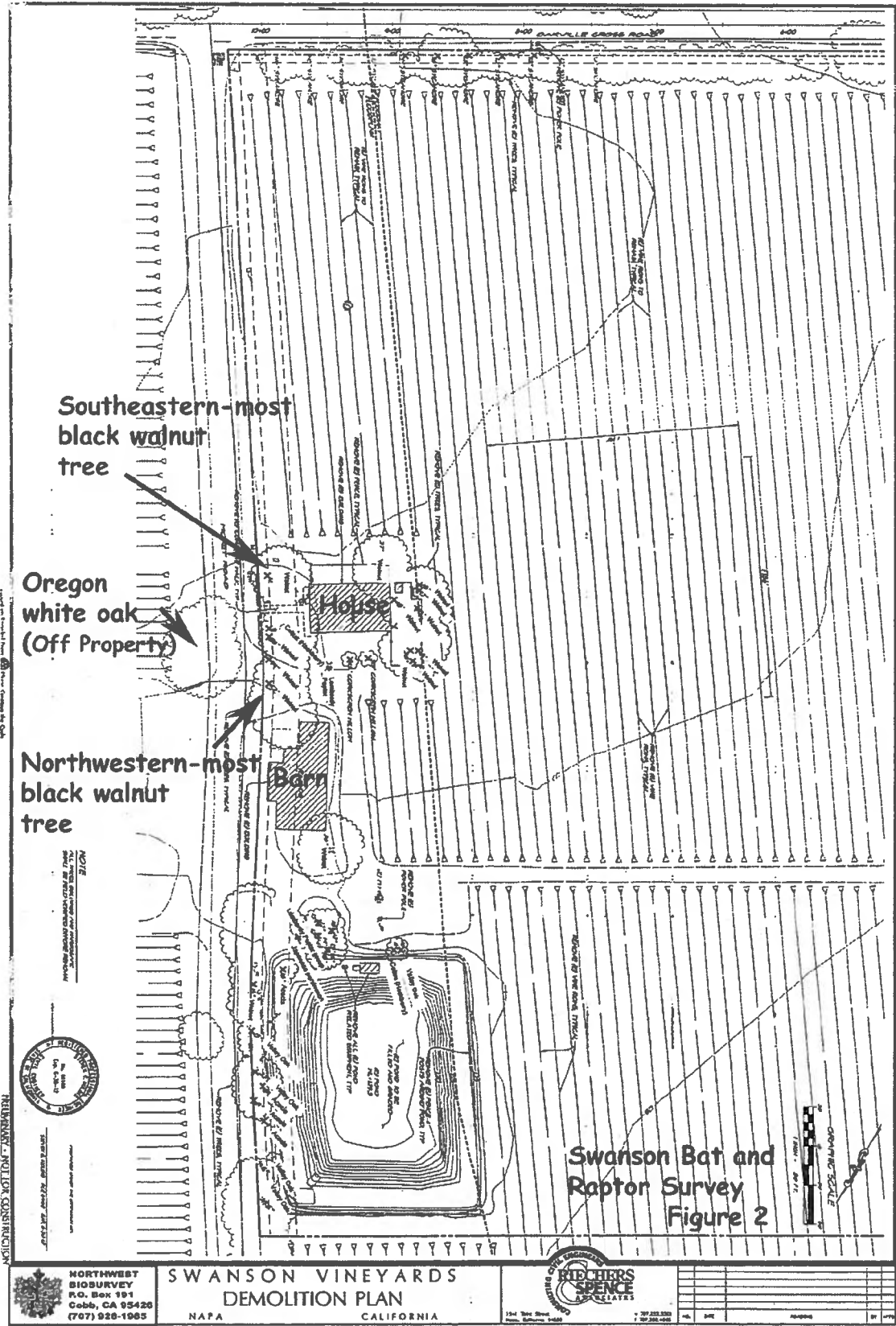
Field surveys and analyses were conducted by Steve Zalusky. Mr. Zalusky has a Master of Science Degree in Biology from the California State University at Northridge and a Bachelor of Science Degree in Zoology from the University of California at Santa Barbara. He has over 30 years of experience in field biology conducting wildlife and botanical surveys.



 **NORTHWEST
BIOSURVEY**
P.O. Box 191
Cobb, CA 95426
(707) 928-1985



Location Map
Figure 1
TNT 15°
07/29/11



6. SURVEY RESULTS:

Bats: No bats or bat sign were found within the survey area.

Trees: Potential bat habitat was identified in three trees. These include:

- The large decadent Oregon white oak across the street from the residence (**Photos 1&2**; shown in **Figure 2**). This tree is hollow and provides excellent potential habitat for pallid bats and for bats of other species. As shown in photo 2, a bat house has been previously installed approximately 40 feet up the trunk. No bat sign was observed here but the potential for bats to be present is very high. This tree (identified in Figure 2) is not within the project boundaries and will not be removed as part of this project.
- The northwestern-most and southeastern-most of the four large Northern California black walnut trees along Money Road in front of the residence are partially hollow and provide suitable habitat for pallid bats and other bat species. Openings in these trees are shown in **Photo 3** (western tree) and **Photo 4** (eastern tree). The locations of these trees are shown in Figure 2.

Structures: Neither structure provides suitable or accessible habitat.

- The attic of the residence was accessed and fully inspected. **Photos 5 and 6** provide views toward the back and front of the residence. The attic contained no bat sign and no bats were present. The attic is lighted by a window but would otherwise provide suitable bat habitat if access was available. No access for bats was observed beneath the eaves surrounding the structure and none was observed from within the attic. Consequently, this building should not be considered as potential bat habitat.
- The barn (**Photo 7**) was fully inspected and lacks suitable bat habitat. The roof consists of bare corrugated metal over open joists. The enclosed chemical storage room and equipment room have the same corrugated roofing over joists. The site lacks bat habitat and no bats or bat sign were found. Consequently, this building should not be considered as potential bat habitat.

Raptors: No raptor nests were found in the trees to be removed as part of this project or within adjacent trees. A pair of red-tailed hawks was observed regularly flying over the vineyards southeast of the project site. Both birds regularly landed on the cross-tree of a vineyard power pole approximately 100 yards southeast of the residence (**Photo 8**). These birds are likely to nest within two miles of the project site but there is no indication that the nest is within the immediate area and as noted, there are no raptor nests within the trees to be removed or in adjacent trees.

Owls: No owls were observed during the survey. Several species of owls nest in cavities of trees or in man-made structures. The large Oregon white oak across Money Road (Figure 2 and Photos 1&2) would provide excellent owl habitat, however, no owl sign (castings) were observed beneath this tree and regardless, the tree is outside of the project boundaries. According local vineyard staff, a pair of great horned owls (*Bubo virginianus*) nested within the equipment room of the barn in 2008. Following fledging and after the young left on their

own, the access was closed and an owl nest box was constructed immediately outside of the former access. It was present at the time of this inspection but according to local staff has never been used.

7. **RECOMMENDATIONS:** Two of the California black walnut trees fronting Money Road provide potentially suitable habitat for bats including pallid bats. Due to the height of these trees and the inaccessibility of potential roosting sites within them it was not possible to inspect potential habitat to determine whether bats were present. It is possible that bats may be present. It is therefore recommended that the following standard Department of Fish and Game policy regarding bats be required as a condition of approval for this demolition project:

In order to protect potentially present roosting bats, removal of the four large California black walnut trees fronting Money Road and opposite the residence shall be restricted to between September 15 to October 15, when young of the year are capable of flying, or between February 15 to April 1 to avoid hibernating bats and prior to formation of maternity sites.



Oregon White Oak Across Street

Photo 1



Bat House

Upper Trunk of Oregon White Oak Across Street Photo 2



Western-most Black Walnut on Swanson Property Photo 3



Eastern-most Black Walnut on Swanson Property Photo 4



Attic of Residence -view toward back of structure Photo 5

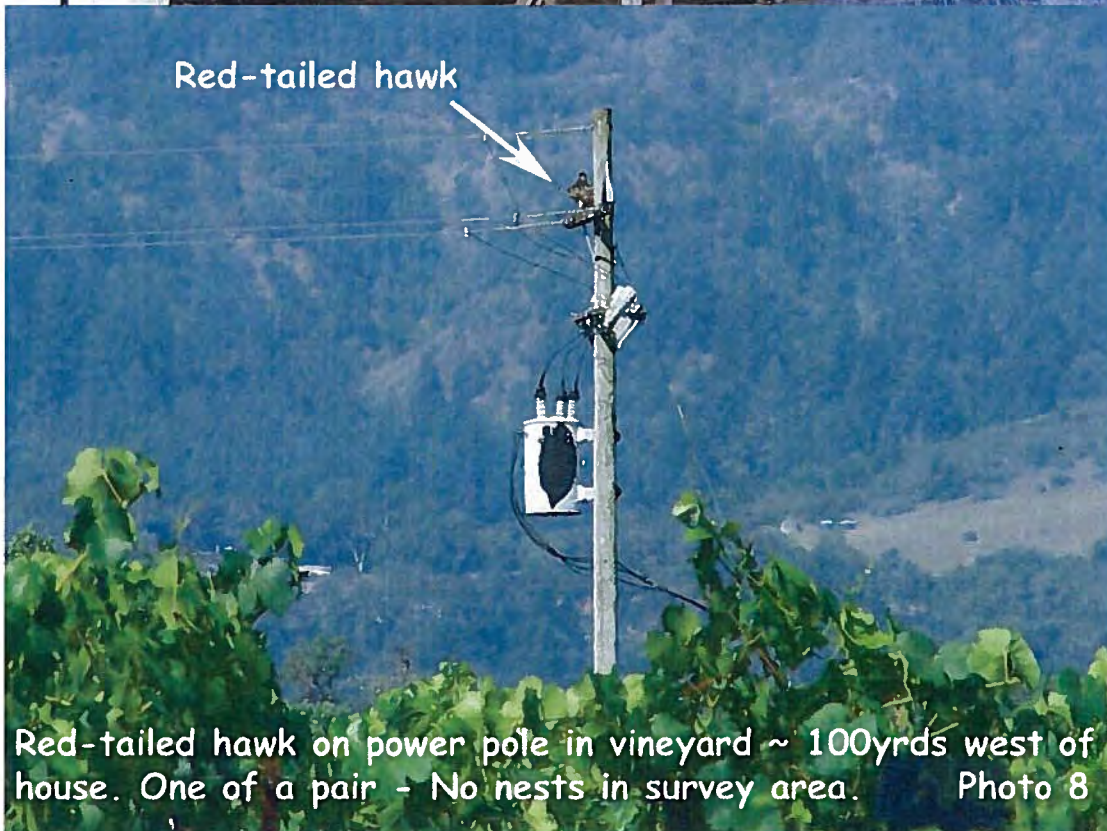


Attic of residence view toward front of structure Photo 6



Ceiling of Barn

Photo 7



Red-tailed hawk

Red-tailed hawk on power pole in vineyard ~ 100yds west of house. One of a pair - No nests in survey area.

Photo 8

Project Revision Statement & Mitigation Monitoring and Reporting Program

Swanson Winery

Use Permit Application N^o Po8-00550-UP and Variance Application N^o Po8-00551-VAR

Assessor's Parcel N^o 031-040-033

7711 Money Road, Oakville, Calif., 94562

PROJECT AS REVISED, SPRING 2012

RECEIVED

APR 16 2012

**NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.**

I hereby revise my request to include the mitigation measure(s) specified below:

BIOLOGICAL RESOURCES

1. If it is determined that Northern California black walnuts must be removed, viable walnuts shall be collected from the large black walnuts prior to removing the trees. Walnuts collected from the black walnut trees shall be propagated and transplanted randomly, at a ratio of no less than three seedlings for each removed tree, throughout the riparian area adjacent to the Napa River at the property's western boundary; generally as shown in the April 11, 2011 *California Black Walnut Planting Plan for Swanson Vineyards* prepared by JoAnn Goodwin. Best practices for the protection, cultivation, placement, and irrigation of the Black Walnuts shall be utilized as outlined in the April 11, 2011 Goodwin plan. The permittee shall additionally deposit walnuts, seedlings, or other material as appropriate from the stand of Northern California black walnuts proposed to be removed with the California Native Plant Society, the Jepson Herbarium, or another botanical repository as deemed acceptable by the Planning Director. Should the subject trees be demonstrated to be of hybrid origin to the satisfaction of the Planning Director, no mitigation shall be necessary for their removal.

Method of Mitigation Monitoring: The Planning Division will inspect Black Walnut seedlings prior to project final. **RESPONSIBLE AGENCY(IES)-** Planning Division

2. The applicant/owner shall implement the following elements to avoid disturbing raptor nests:
 - Nest surveys shall be conducted no earlier than 14 days prior to tree removal and/or breaking ground. Surveys must be conducted a minimum of 3 separate days during the 14 days prior to disturbance. Survey results shall be submitted for the review and approval of the Planning Director, or her designee.
 - In the event that nesting birds are found, the permittee shall consult with the Department of Fish and Game and obtain approval for nest-protection buffers prior to tree removal and/or earth disturbing activities.
 - Nest protection buffers shall remain in effect until the young have fledged.
 - All nest protection measures should apply to off-site impacts and within 300 feet of project activities.
 - If a lapse in project-related work of 15 days or longer occurs, another focused survey, and if required consultation with DFG, will be required before work can be reinitiated.

Method of Mitigation Monitoring: Pre-construction survey reports must be submitted to the Planning Division and the Department of Fish and Game for review and approval prior to the initiation of construction.

RESPONSIBLE AGENCY(IES)- Planning Division and the Department of Fish and Game

3. The applicant/owner shall implement the following elements to avoid disturbing bat roosting sites:
 - A qualified biologist conduct a habitat assessment for potential suitable bat habitat no more than six months prior to the initiation of construction, demolition, or tree removal activities on site. Assessment results shall be submitted for the review and approval of the Planning Director, or her designee and the Department of Fish and Game.
 - If the habitat assessment reveals suitable bat habitat, then a qualified biologist shall do a presence/absence survey during peak activity periods.

- If bats are present, the qualified biologist shall submit an avoidance plan to the Department of Fish and Game for approval. The avoidance plan shall evaluate the length of time of disturbance, equipment noise, and the type of habitat present on the site.

Method of Mitigation Monitoring: Pre-construction survey reports must be submitted to the Planning Division and/or the Department of Fish and Game for review and approval prior to the initiation of construction.

RESPONSIBLE AGENCY(IES)- Planning Division and the Department of Fish and Game

HYDROLOGY AND WATER QUALITY

4. The project shall comply with the recommendations of the submitted Preliminary Pump System Modification Plan for Management of Additional Runoff, including installation of a new pump, relocation of the Money Road sump, installation of new drain lines, and other improvements as described therein.

Method of Mitigation Monitoring: The County will not allow final occupancy of the proposed winery until project proponents have implemented the subject plan to the satisfaction of the Departments of Public Works and Conservation, Development, and Planning. **RESPONSIBLE AGENCY(IES)-** Planning Division, Department of Public Works

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 §66474.2 of the Subdivision Map Act, the date of application completeness shall remain the date this project was originally found complete.

	W. CLARKE SWANSON JR	100%
Signature of Owner	Print Name	Interest