

WINERY APPLICATIONS

**PLANNING COMMISSION HEARING – (Date)
EXHIBIT B – CONDITIONS OF APPROVAL**

(Project Name)
(Application Number(s) PXX-XXXX)
(Project Address)
(APN XXX-XXX-XXX)

1. **SCOPE**

The permit shall be limited to:

A. (If applicable, insert Detailed Variance Request Description)

B. (Insert Detailed Use Permit Request Description)

1. Wine production of no more than XX,XXX gallons per year (consistent with the Napa County Winery Production Process);
2. Construction of XXXX square foot (**of what**) to (**serve what purpose**) including:
 - a. X square foot loading area
 - b. X square foot crush pad
 - c. X Square foot caves (**Type X**) for XXX
3. Describe existing improvements to be included in winery (**loading area/patio, conversion of house, etc.**);
4. Demolition of X;
5. Hours of operation for the winery shall be limited to XX AM to XX PM (except during crush); (**If applicable, describe other activity hours of operation**)
6. Visitation, Tours and Tasting, and Marketing Plan as described below;
7. Number of employees; (**Per application request**)
8. Waste water system description;
9. Temporary and final location of cave spoil**;
10. Off-site improvements (such as roads, and turn lanes);
- ~~11. Describe any road standards modification;~~
- ~~12. 11.~~ X parking spaces;
- ~~13. 12.~~ Extent of driveway/new road improvements;
- ~~14. 13.~~ Installation of fire water tank(s) suppression located X**; and
- ~~15. 14.~~ (**If Requested**) On-premise wine consumption consistent with Assembly Bill 2004 (Evans) in X location.

C. (If applicable, insert Other Detailed Request Description [Road Modification/Tentative Parcel Map])

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

**Alternative locations for cave spoils and fire suppression tanks are permitted, subject to review and approval by the Director of ~~Conservation, Development and Planning~~

51 | Planning, Building, and Environmental Services, when such alternative locations do not
52 | change the overall concept, and do not conflict with any environmental mitigation
53 | measures or conditions of approval.

54 |
55 | 2. **PROJECT SPECIFIC CONDITIONS**

56 | Should any of the Project Specific Conditions below conflict with any of the other,
57 | standard conditions included in this document, the Project Specific Conditions shall
58 | supersede and control.

59 |
60 | (Two Types: Staff recommended prior to meeting or conditions added by Commission at
61 | hearing.

62 |
63 | Examples:

- 64 | A. Planting X number of sized replacement trees located X for loss of y.
65 | B. One (1) year compliance review.
66 | C. Tours and tastings not occurring on same day as specific/all marketing events.
67 | D. Provision of contact information to neighbors
68 | E. Specific improvements necessary to comply with Title 24 accessibility
69 | requirements.

70 |
71 | F. **Evans Consumption**

72 | Consistent with Assembly Bill 2004 (Evans) and the Planning, Building, and
73 | Environmental Services Director's July 17, 2008 memo, "Assembly Bill 2004
74 | (Evans) & the Sale of Wine for Consumption On-Premises," on-premise
75 | consumption may occur solely in (**identify location**). Any and all visitation
76 | associated with on-premise consumption shall be subject to the (**identify**
77 | **number**) person maximum daily tours and tastings visitation limitation and/or
78 | applicable limitations of permittee's marketing plan.

- 79 |
80 | G. The installation, operation and maintenance of the _____ (**Identify**
81 | **applicable large water feature such as ponds, reservoirs, and fountains,**
82 | **etc.)** shall be in conformance with the Napa County Mosquito Abatement
83 | District's program for eliminating mosquito sources and managing mosquito-
84 | breeding areas in order to reduce mosquitoes to a tolerable and healthful level.

85 |
86 | H. **Mitigation Measures:**

87 | The permittee shall comply with all mitigation measures identified in the adopted
88 | Initial Study/Mitigated Negative Declaration and Project Revision
89 | Statement/Mitigation Monitoring and Reporting Program prepared for the project,
90 | inclusive of the following:

91 |
92 | 1.

93 | Method of Monitoring:
94 | RESPONSIBLE AGENCY(IES) –

95 |
96 |
97 | I. **Milliken Sarco Tulocay Ground Water Deficient Area:**

98 | Require permittee to connect to recycled water line at such point it becomes
99 | available to the property (**Staff to evaluate applicability on a case-by-case**
100 | **basis.**)

-Or-

No project specific conditions were adopted with this project. *(Delete if project has specific conditions)*

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

Project conditions of approval include all of the following County Divisions, Departments and Agency(ies) requirements. The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Divisions, Departments and Agencies at the time of submittal and may be subject to change, ~~including, but not limited to:~~ Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

- A. ~~Department of Public Works~~ Engineering Services Division as stated in their Memorandum dated _____.
- B. ~~Department of Environmental Management~~ Health Division as stated in their Memorandum dated _____.
- C. Building ~~Inspection~~ Division as stated in their Memorandum dated _____.
- D. Department of Public Works as stated in their Memorandum dated _____.
- E. Fire Department as stated in their Inter-Office Memo dated _____.
- ~~D.F.~~ [NOTE OTHER AGENCY(IES)] as stated in their letter dated _____.

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

4. **VISITATION**

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

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

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

A. **TOURS AND TASTING**

Tours and tastings are limited to the following:

1. Frequency: X days per week, Monday through Sunday (or otherwise specified
2. Maximum number of persons per day:
3. Maximum number of persons per week:
4. ~~Time~~[Hours](#) of operation:

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

(INSERT THE FOLLOWING ONLY IF PROPOSED BY THE APPLICANT AND EVALUATED BY ENVIRONMENTAL HEALTH)

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

Start and finish time of tours and tastings shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 6:00 PM, and shall be limited to those wines set forth in Napa County Code _____. ***(Cite Applicable Section for Parcel Zoning – 18.16.03(G)(5)(c) – AP Zoning; 18.20.030(H)(5)(c) – AW Zoning)***

B. **MARKETING**

Marketing events are limited to the following:

1. Type of Event:
2. Frequency: X times per year
3. Number of persons: XX maximum
4. Time of Day: ***(Applicant requests, Planning Commission decides – typically 11:00 am to 10:00 pm)***
5. ***List other events here as needed.***
6. Participation in Auction Napa Valley ***(Yes or No and not specific as to type of events)***

"Marketing of wine" means any activity of a winery which is conducted at the winery on a prearranged basis for the education and development of customers and potential customers with respect to wine which can be sold at the winery on

a retail basis pursuant to Chapters 18.16 and 18.20 of the Napa County Code. Marketing of wine may include cultural and social events directly related to the education and development of customers and potential customers provided such events are clearly incidental, related and subordinate to the primary use of the winery. Marketing of wine may include food service, including food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery.

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

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

5. **GRAPE SOURCE**

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

6. **RENTAL/LEASING**

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

7.

SIGNS

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

8.

LIGHTING

All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, shall be the minimum necessary for security, safety, or operations, and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Lighting utilized during harvest activities is not subject to this requirement.

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

9.

LANDSCAPING

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

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

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

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

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

10. **OUTDOOR STORAGE/SCREENING/UTILITIES**

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

New utility lines required for this project that are visible from any designated scenic transportation route (see ~~Chapter 7~~[Community Character Element](#) of the General Plan and Chapter 18.106 of the Napa County ~~Zoning Ordinance Code~~) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.

11. **COLORS**

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

12. **SITE IMPROVEMENTS AND ~~PUBLIC WORKS~~[ENGINEERING SERVICES](#)-SPECIFIC CONDITIONS**

Please contact (707) 253-~~4351~~[4417](#) with any questions regarding the following.

A. **GRADING AND SPOILS**

All grading and spoils generated by construction of the project facilities, including cave spoils, shall be managed ~~of~~-per ~~Public Works~~[Engineering Services](#) direction. All spoils piles shall be removed prior to final occupancy.

B. **TRAFFIC**

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

C. **DUST CONTROL**

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

D. **STORM WATER CONTROL**

The permittee shall comply with all construction and post-construction storm water pollution prevention protocols as required by [the](#) County ~~Public Works~~

~~Department~~ Engineering Services Division, and the California Regional Water Quality Control Board (SRWQCB).

E. **PARKING**

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

Parking shall be limited to approved parking spaces only and shall not occur along access or public roads or in other locations except during harvest activities and approved marketing events. In no case shall parking impede emergency vehicle access or public roads. If any event is held which will exceed the available on-site parking, the permittee shall prepare an event-specific parking plan which may include but, shall not necessarily be limited to, valet service or off-site parking and shuttle service to the winery.

F. **GATES/ENTRY STRUCTURES**

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

13. **ENVIRONMENTAL ~~MANAGEMENT~~ HEALTH-SPECIFIC CONDITIONS**

Please contact (707) 253-~~4351~~4471 with any questions regarding the following.

A. **WELLS**

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

In the event that changed circumstances or significant new information provide substantial evidence that the groundwater system referenced in the use permit would significantly affect the groundwater basin, the Director of ~~Environmental Management~~Planning, Building and Environmental Services shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the Napa County Groundwater Ordinance and protect public health, safety, and welfare. That

recommendation shall not become final unless and until the Director ~~of Environmental Management~~ has provided notice and the opportunity for hearing in compliance with the [Napa](#) County Code §13.15.070 (G-K).

B. NOISE

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

14. ARCHEOLOGICAL FINDING

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

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

15. ADDRESSING

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

16. INDEMNIFICATION

~~An indemnification agreement, in the form attached hereto, If an indemnification agreement has not already been signed and submitted, one~~ shall be signed and returned to the County within twenty (20) days of the granting of this approval [using the Planning, Building and Environmental Services Department's standard form.](#)

447
448 17. **AFFORDABLE HOUSING MITIGATION**

449 Prior to County issuance of a building permit, the applicant shall pay the Napa County
450 Affordable Housing Mitigation Fee in accordance with the requirements of [Napa](#) County
451 Code Chapter ~~15.60~~[18.107](#) or as may be amended by the Board of Supervisors.
452

453 18. **PREVIOUS CONDITIONS**

454 [As applicable](#), ~~the~~ the permittee shall comply with any previous conditions of approval for
455 the winery use except as they may be explicitly modified by this action. To the extent
456 there is a conflict between previous conditions of approval and these conditions of
457 approval, these conditions shall control ~~and supersede earlier ones~~.
458

459 19. **MONITORING COSTS**

460 All staff costs associated with monitoring compliance with these conditions, previous
461 permit conditions, and project revisions shall be borne by the permittee and/or property
462 owner. Costs associated with conditions and mitigation measures that require
463 monitoring, including investigation of complaints, other than those costs related to
464 investigation of complaints of non-compliance that are determined to be unfounded, shall
465 be charged. Costs shall be as established by resolution of the Board of Supervisors in
466 accordance with the hourly consulting rate established at the time of the monitoring and
467 shall include maintenance of [a](#) \$500 deposit for construction compliance monitoring that
468 shall be retained until grant of final occupancy. Violations of conditions of approval or
469 mitigation measures caused by the permittee's contractors, employees, and/or guests
470 are the responsibility of the permittee.
471

472 The ~~Conservation, Development, and~~ Planning Commission may implement an audit
473 program if compliance deficiencies are noted. If evidence of compliance deficiencies is
474 found to exist by the Commission at some time in the future, the Commission may
475 institute the program at the applicant's expense (including requiring a deposit of funds in
476 an amount determined by the Commission) as needed until compliance assurance is
477 achieved. The Planning Commission may also use the data, if so warranted, to
478 commence revocation hearings in accordance with §18.124.120 of the [Napa](#) County
479 Code.
480

481 20. **TEMPORARY AND FINAL OCCUPANCY**

482 All project improvements, including compliance with applicable codes, conditions, and
483 requirements of all departments and agencies with jurisdiction over the project, shall be
484 completed prior to granting of a Certificate of Final Occupancy by the County Building
485 Official, which, upon granting, authorizes all use permit activities to commence. The
486 County Building Official is authorized to grant a Temporary Certificate of Occupancy to
487 allow specified limited use of the project, such as commencement of production
488 activities, prior to completion of all project improvements. [Marketing and/or Tours and](#)
489 [Tastings are not typically authorized until grant of Final Occupancy, but exceptions](#)
490 [where extenuating circumstances exists and are subject to review and approval by the](#)
491 [County Building Official, County Fire Marshal, and the Director of Planning, Building and](#)
492 [Environmental Services](#). In special circumstances, departments and/or agencies with
493 jurisdiction over the project are authorized as part of the Temporary Certificate of
494 Occupancy process to require a security deposit or other financial instrument to
495 guarantee completion of unfinished improvements. Consistent with Board of Supervisors

Resolution № 2010-48, "Temporary Certificates of Occupancy are generally not to be used to allow production of wine for more than one year."

21. ~~MITIGATION MEASURES(S)~~

~~The permittee shall comply with all mitigation measures identified in the adopted Initial Study/Mitigated Negative Declaration and Mitigated Monitoring and Reporting Program prepared for the project. **(INSERT MITIGATION MEASURES/MMRP FOLLOWING THIS CONDITION)**~~