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Draft Recommended Conditions of Approval and Final Agency Approval Memos

Boyd Family Vineyards Winery P17-00379-UP Planning Commission Hearing Date June 20, 2018

PLANNING COMMISSION HEARING – JUNE 20, 2018 RECOMMENDED CONDITIONS OF APPROVAL

BOYD FAMILY VINEYARDS WINERY USE PERMIT P17-00379 – UP 4042 BIG RANCH ROAD, NAPA ASSESSOR'S PARCEL NO. 036-190-003

This permit encompasses and shall be limited to the project commonly known as Boyd Family Vineyards Winery, located at 4042 Big Ranch Road. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring, and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee 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.

Where conditions are not applicable or relevant to this project, they shall be noted as "Reserved" and therefore have been removed.

When modifying a legally established entitlement related to this project, these conditions are not intended to be retroactive or to have any effect on existing vested rights except where specifically indicated.

PART I

1.0 PROJECT SCOPE

The permit encompasses and shall be limited to:

- 1.1 Approval of an exception to the Napa County Roads and Streets Standards for a reduction in commercial roadway width to a one-way road for 138 feet of the private drive length located immediately in front of the neighbors' residence (APN 036-190-002).
- 1.2 Approval of a Use Permit (#P17-00379) to establish a 30,000 gallon per year winery with the following components:
 - a. The construction of a 4,200 square foot winery production building with an additional 400 square foot covered crush pad and 400 square foot outdoor tasting area. Bottling and processing to occur within the winery;
 - b. Improvements to an existing driveway to meet Napa County Road and Street Standards in most sections;
 - c. Construction of seven (7) parking spaces;
 - d. A new sanitary sewage wastewater management system and a new holdand-haul wastewater disposal system;

- e. Employment of two (2) full-time and two (2) part-time employees during normal operations and up to six (6) full-time and four (4) part-time employees during harvest;
- f. Establishment of hours of operation: Production: 10:00 am-6:00 pm. Daily; Hospitality: Monday-Sunday 10:00 am-6:00 pm Daily;
- g. Visitation, tours and tasting, and a marketing plan as set forth in Conditions of Approval (COAs) Nos. 4.1 through 4.3 below;
- h. On-premises consumption of wine as set forth in COA No. 4.4 below;
- i. Use of existing vineyard avenues for overflow parking during marketing events;
- j. Installation of a commercial kitchen. All food service for marketing events will either be prepared in the licensed commercial kitchen or catered;
- k. Construction of code compliant water and waste water, storm drainage, and fire suppression facilities;
- I. Installation of on-site landscaping; and
- m. Installation of solid waste and recycling storage area

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 (the County Code). It is the responsibility of the permittee 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 change in winery use or alternative locations for fire suppression or other types of water tanks shall be approved in accordance with the County Code and may be subject to the permit modification process.

2.0 STATUTORY AND CODE SECTION REFERENCES

All references to statutes and code sections shall refer to their successor as those sections or statutes may be subsequently amended from time to time.

3.0 MONITORING COSTS

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

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of a compliance deficiency is found to exist by the Planning Commission at some time in the future, the Planning Commission may institute the program at the applicant's expense (including requiring a deposit of funds in an amount

determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if so warranted, to commence revocation proceedings in accordance with the County Code.

PART II

4.0 OPERATIONAL CHARACTERISTICS OF THE PROJECT

Permittee shall comply with the following during operation of the winery:

4.1 GENERAL PROVISIONS

Consistent with the County Code, tours and tastings and marketing 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."

Tours and tastings (defined below) 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.

Retail sales of wine shall be permitted as set forth in the County Code.

4.2 TOURS AND TASTINGS/VISITATION

Tours and tastings shall be by appointment only and shall be limited to the following:

- a. Frequency: Seven (7) days per week, Monday through Sunday
- b. Maximum number of persons per day: 15
- c. Maximum number of persons per week: 40
- d. Hours of visitation: 10 a.m. 6:00 p.m.
- e. Food and wine pairings

"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. To the maximum extent feasible, scheduling of visitors shall not occur during peak travel times (4:00 p.m. to 6:00 pm weekdays; 12:00 p.m. to 2:00 p.m. Saturdays and Sundays).

A log book (or similar record) shall be maintained to document the number of visitors to the winery (for either tours and tastings or marketing events), and the dates of the visits. This record of visitors shall be made available to the Planning, Building and Environmental Services (PBES) Department upon request.

4.3 MARKETING

Marketing events shall be limited to the following:

- a. Marketing Event 1
 - 1. Frequency: 10 per year
 - 2. Maximum number of persons: 30
 - 3. Time of Day: 10:00 am to 10:00 pm
 - 4. Includes food and wine pairings
- b. Marketing Event 2
 - 1. Frequency: One (1) per year
 - 2. Maximum number of persons: 100
 - 3. Time of Day: 10:00 am to 10:00 pm
 - 4. Includes food and wine pairings
 - 5. Portable restrooms to be provided for this event.

"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 the 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. 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 cost recovery, 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.

All marketing event activity, excluding quiet clean-up, shall cease by 10:00 p.m. 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 not be limited to, valet service or off-site parking and shuttle service to the winery.

Auction Napa Valley (ANV) events need not be included in a participating winery's marketing plan because they are covered by ANV's Category 5

Temporary Permit. The winery may utilize any ANV event authorized in this permit for another charitable event of similar size.

4.4 ON-PREMISES CONSUMPTION

In accordance with State law and the PBES Director's July 17, 2008 memo, "Assembly Bill 2004 (Evans) & the Sale of Wine for Consumption On-Premises," on-premises consumption of wine produced on-site and purchased from the winery may occur solely on the tasting patio. Any and all visitation associated with on-premises consumption shall be subject to the maximum per person weekday and weekend daily tours and tastings visitation limitation and/or applicable limitations of permittee's marketing plan set forth in COA Nos.4.2 and 4.3 above.

4.5 RESIDENCE OR NON-WINERY STRUCTURES

Unless specifically authorized by this permit or a previously approved permit, the existing residence and guest cottage shall not be used for commercial purposes or in conjunction with the operation and/or visitation/marketing program for the winery. If the residence is rented, it shall only be rented for periods of 30 days or more, pursuant to the County Code.

4.6 GRAPE SOURCE

At least 75% of the grapes used to make the winery's still wine or the still wine used by the winery to make sparkling wine shall be grown within Napa County. 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 PBES Department upon request, but shall be considered proprietary information and not available to the public.

4.7 COMPLIANCE REVIEW

Permittee shall obtain and maintain all permits (use permits and modifications) and licenses from the California Department of Alcoholic Beverage Control (ABC) and United States Tax and Trade Bureau (TTB), and California Department of Food and Agriculture (CDFA) Grape Crush Inquiry data, all of which are required to produce and sell wine. In the event the required ABC and/or TTB permits and/or licenses are suspended or revoked, permittee shall cease marketing events and tours and tastings until such time as those ABC and/or TTB permits and licenses are reinstated.

Visitation log books, visitor reports, custom crush client records, and any additional documentation determined by Staff to be necessary to evaluate compliance may be requested by the County for any code compliance. The permittee (and their successors) shall be required to participate fully in the winery code compliance review process.

4.8 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 winery, such as alternating proprietors and custom producers, except as may be specifically authorized in this Permit or pursuant to the Temporary Events Ordinance (County Code Chapter 5.36).

4.9 GROUND WATER MANAGEMENT - WELLS This condition is implemented jointly by the Public Works and PBES Departments:

The permittee shall be required (at the permittee's expense) to record well monitoring data (specifically, static water level no less than quarterly, and the volume of water no less than monthly). Such data will be provided to the County, if the PBES Director determines that substantial evidence¹ indicates that water usage at the winery is affecting, or would potentially affect, groundwater supplies or nearby wells. If data indicates the need for additional monitoring, and 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. Water usage shall be minimized by use of best available control technology and best water management conservation practices.

In order to support the County's groundwater monitoring program, well monitoring data as discussed above will be provided to the County if the Director of Public Works determines that such data could be useful in supporting the County's groundwater monitoring program. The project well will be made available for inclusion in the groundwater monitoring network if the Director of Public Works determines that the well could be useful in supporting the program.

In the event that changed circumstances or significant new information provide substantial evidence¹ that the groundwater system referenced in the Use Permit would significantly affect the groundwater basin, the PBES Director shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the County Code and to protect public health, safety, and welfare.

4.10 AMPLIFIED MUSIC

1

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

Substantial evidence is defined by case law as evidence that is of ponderable legal significance, reasonable in nature, credible and of solid value. The following constitute substantial evidence: facts, reasonable assumptions predicated on facts; and expert opinions supported by facts. Argument, speculation, unsubstantiated opinion or narrative, or clearly inaccurate or erroneous information do not constitute substantial evidence.

4.11 TRAFFIC

To the maximum extent feasible, scheduling of reoccurring vehicle trips to and from the site for employees and deliveries shall not occur during peak travel times (4:00 p.m. to 6:00 pm weekdays; 12:00 p.m. to 2:00 p.m. Saturdays and Sundays). All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Roads and Streets Standards.

4.12 PARKING

The location of 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.

4.13 BUILDING DIVISION – USE OR OCCUPANCY CHANGES Please contact the Building Division with any questions regarding the following:

In accordance with the California Building Code (CBC), no change shall be made in the use of occupancy of an existing building unless the building is made to comply with the requirements of the current CBC for a new building.

4.14 FIRE DEPARTMENT – TEMPORARY STRUCTURES Please contact the Fire Department with any questions regarding the following:

The permittee and/or designee shall obtain a tent permit from the Fire Department for any temporary structures utilized for authorized marketing events allowed per COA No. 4.3 above.

4.15 NAPA COUNTY MOSQUITO ABATEMENT PROGRAM The installation, operation and maintenance of the existing reservoir located on APN 043-040-003 shall be in conformance with the Napa County Mosquito Abatement District's program for eliminating mosquito sources and managing mosquito-breeding areas in order to reduce mosquitoes to a tolerable and healthful level.

- 4.16 GENERAL PROPERTY MAINTENANCE LIGHTING, LANDSCAPING, PAINTING, OUTDOOR EQUIPMENT STORAGE, AND TRASH ENCLOSURE AREAS
 - a. All lighting shall be permanently maintained in accordance with the lighting and building plans approved by the County. Lighting utilized during harvest activities is exempt from this requirement.
 - b. All landscaping and outdoor screening, storage, and utility structures shall be permanently maintained in accordance with the landscaping and

building plans approved by the County. No stored items shall exceed the height of the screening. Exterior winery equipment shall be maintained so as to not create a noise disturbance or exceed noise thresholds in the County Code.

- c. 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. The permittee shall obtain the written approval of the Planning Division prior to any change in paint colors that differs from the approved building permit. Highly reflective surfaces are prohibited.
- d. Designated trash enclosure areas shall be made available and properly maintained for intended use.
- 4.17 NO TEMPORARY SIGNS Temporary off-site signage, such as "A-Frame" signs, is prohibited.
- 4.18 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES OPERATIONAL CONDITIONS

The attached project conditions of approval include all of the following County Divisions, Departments and Agencies' requirements. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

- a. Engineering Services Division operational conditions as stated in their Memorandums dated June 8, 2018.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated May 4, 2018.
- c. Fire Department operational conditions as stated in their Inter-Office Memo dated December 12, 2017.
- d. Building Division operational conditions as stated in their Memorandum dated December 13, 2017.

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 County 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 this permit.

4.19 OPERATIONAL MITIGATION MEASURES [RESERVED]

4.20 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. Temporary Events There shall be no temporary events held at the winery.
- b. In relation to the proposed wastewater system, any "hold-and-haul" activities shall be done outside of p.m. peak hours (4 6 p.m.).
- 4.21 PREVIOUS CONDITIONS [RESERVED]

PART III

5.0 PREREQUISITE FOR ISSUANCE OF PERMITS

5.1 PAYMENT OF FEES

No building, grading or sewage disposal permits shall be issued or other permits authorized until all accrued planning permit processing fees have been paid in full. This includes all fees associated with plan check and building inspections, associated development impact fees established by County Ordinance or Resolution, and the Napa County Affordable Housing Mitigation Fee in accordance with County Code.

6.0 GRADING/DEMOLITION/ENVIRONMENTAL/BUILDING PERMIT/OTHER PERMIT PREREQUISITES

Permittee shall comply with the following with the submittal of a grading, demolition, environmental, building and/or other applicable permit applications.

6.1 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES – PLAN REVIEW, CONSTRUCTION AND PREOCCUPANCY CONDITIONS

The attached project conditions of approval include all of the following County Divisions, Departments and Agencies' 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. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

- a. Engineering Services Division review/construction/ preoccupancy conditions as stated in their Memorandums dated June 8, 2018.
- b. Environmental Health Division review/construction/ preoccupancy conditions as stated in their Memorandum dated May 4, 2018.
- c. Fire Department review/construction/ preoccupancy conditions stated in their Inter-Office Memo dated December 12, 2017.

d. Building Division review/construction/ preoccupancy conditions as stated in their Memorandum dated December 13, 2017.

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 County 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 permit.

6.2 BUILDING DIVISION – GENERAL CONDITIONS

- a. A building permit shall be obtained for all construction occurring on the site not otherwise exempt by the California Building Code (CBC) or any State or local amendment adopted thereto.
- b. If there are any existing structures and/or buildings on the property that will need to be removed to accommodate construction activities, a separate demolition permit shall be required from the Building Division prior to removal. The permittee shall provide a "J" number from the Bay Area Air Quality Management District (BAAQMD) at the time the permittee applies for a demolition permit if applicable.
- c. All areas of newly designed and newly constructed buildings, facilities and on-site improvements must comply with the CBC accessibility requirements, as well as, American with Disability Act requirements when applicable. When alterations or additions are made to existing buildings or facilities, an accessible path of travel to the specific area of alteration or addition shall be provided as required per the CBC.

6.3 LIGHTING – PLAN SUBMITTAL

- a. Two (2) copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the CBC.
- b. 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; on timers; and shall incorporate the use of motion detection sensors to the greatest extent practical. All lighting shall be shielded or placed such that it does not shine directly on adjacent properties or impact vehicles on adjacent streets. 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 exempt from this requirement.

6.4 LANDSCAPING – PLAN SUBMITTAL

- 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 Use Permit. The plan shall be prepared pursuant to the County's Water Efficient Landscape Ordinance (Chapter 18.118 of the County Code) requirements in effect at the time of building permit application submittal, as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.
- b. Plant materials shall be purchased locally when practical, and to the greatest extent possible, the plant materials shall be the same native plants found in Napa County. The Agricultural Commissioner's office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.
- c. No trees greater than 6" diameter at breast height shall be removed, except for those identified on the submitted site plan. Any Oak trees removed as a result of the project shall be replaced at a 2:1 ratio and shown on the landscaping plans for the Planning Division's review and approval. 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.
- d. Evergreen screening shall be installed between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and any off-site residence from which these areas can be viewed.

6.5 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. The permittee shall obtain the written approval of the Planning Division in conjunction with building permit review and/or prior to painting the building. Highly reflective surfaces are prohibited.

6.6 OUTDOOR STORAGE/SCREENING/UTILITIES

a. Details of outdoor storage areas and structures shall be included on the building and landscape plans. All outdoor storage of winery equipment shall be screened from the view of residences of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No stored item shall 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.

- b. New utility lines required for this project that are visible from any designated scenic transportation route (see Community Character Element of the General Plan and the County Code) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.
- c. Exterior winery equipment shall be located, enclosed or muffled so as not to exceed noise thresholds in the County Code.
- 6.7 TRASH ENCLOSURES

Adequate area must be provided for collection and loading of garbage and recyclables generated by the project. The applicant must work with the franchised garbage hauler for the service area in which they are located, in order to determine the area and the pedestrian and vehicle access needed for the collection site. The garbage and recycling enclosure shall meet the minimum enclosure requirements established by staff and the franchised hauler, which shall be included in the building permit submittal.

6.8 ADDRESSING

All project site addresses shall be determined by the PBES Director, and be reviewed and approved by the United States Post Office. The PBES 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.

- 6.9 HISTORIC RESOURCES [RESERVED]
- 6.10 DEMOLITION ACTIVITIES [RESERVED]
- 6.11 VIEWSHED EXECUTION OF USE RESTRICTION [RESERVED]
- 6.12 PERMIT PREREQUISITE MITIGATION MEASURES [RESERVED]
- 6.13 PARCEL CHANGE REQUIREMENTS [RESERVED]
- 6.14 FINAL MAPS [RESERVED]
- 6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS [RESERVED]

7.0 PROJECT CONSTRUCTION

Permittee shall comply with the following during project construction:

7.1 SITE IMPROVEMENTS

Please contact Engineering Services with any questions regarding the following.

a. GRADING AND SPOILS

All grading and spoils generated by construction of the project facilities shall be managed per Engineering Services direction. Alternative locations for spoils are permitted, subject to review and approval by the PBES Director, when such alternative locations do not change the overall concept, and do not conflict with any environmental mitigation measures or conditions of approval.

b. 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 when average wind speeds exceed 20 mph.

c. AIR QUALITY

During all construction activities the permittee shall comply with the most current version of BAAQMD Basic Construction Best Management Practices including but not limited to the following, as applicable:

- 1. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The BAAQMD's phone number shall also be visible.
- 2. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.
- 3. Cover all haul trucks transporting soil, sand, or other loose material off-site.
- 4. Remove all visible mud or dirt traced onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- 5. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- 6. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- 7. Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five (5) minutes (as required by State Regulations). Clear signage shall be provided for construction workers at all access points.
- 8. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment

Page 13 of 16

shall be checked by a certified visible emissions evaluator. Any portable engines greater than 50 horsepower or associated equipment operated within the BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ http://www.arb.ca.gov/portable/perp/perpfact_04-16-15.pdf or the PERP website http://www.arb.ca.gov/portable/portable/portable.htm.

d. STORM WATER CONTROL

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

7.2 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 PBES 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 project development, all work in the vicinity must be halted, and the Napa County Coroner informed, so that the Coroner 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 permittee shall comply with the requirements of Public Resources Code Section 5097.98.

7.3 CONSTRUCTION NOISE

Construction noise shall be minimized to the greatest extent practical and feasible under State and local safety laws, consistent with construction noise levels permitted by the General Plan Community Character Element and the County Noise Ordinance. Construction equipment muffling and hours of operation shall be in compliance with the County Code. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site, if at all practicable. 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 daily between the hours of 8 am to 5 pm.

7.4 CONSTRUCTION MITIGATION MEASURES [RESERVED]

7.5 OTHER CONSTRUCTION CONDITIONS APPLICABLE TO THE PROJECT PROPOSAL **[RESERVED]**

8.0 TEMPORARY CERTIFICATE OF OCCUPANCY - PREREQUISITES

A Temporary Certificate of Occupancy (TCO) may be granted pursuant to the County Code to allow the commencement of production activities prior to completion of all project improvements. Permittee shall comply with the following before a TCO is granted:

8.1 TEMPORARY OCCUPANCY

All life and safety conditions shall be addressed prior to issuance of a TCO by the County Building Official. TCOs shall not be used for the occupancy of hospitality buildings and shall not exceed the maximum time allowed by the County Code which is 180 days. Departments and/or agencies with jurisdiction over the project are authorized as part of the TCO process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.

9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES

Permittee shall comply with the following before a Final Certificate of Occupancy is granted by the County Building Official, which upon granting, authorizes all use permit activities to commence.

9.1 FINAL OCCUPANCY

All project improvements, including compliance with applicable codes, conditions, and requirements of all Departments and Agencies with jurisdiction over the project, shall be completed.

9.2 SIGNS

Detailed plans, including elevations, materials, color, and lighting for any winery identification or directional signs shall be submitted to the Department for administrative review and approval prior to installation. 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 permit approval. All signs shall meet the design standards as set forth in the County Code. At least one legible sign shall be placed at the property entrance with the words "Tours and Tasting by Prior Appointment Only" to inform the public of same. Any off-site signs allowed shall be in conformance with the County Code.

9.3 GATES/ENTRY STRUCTURES

Any gate installed at the winery entrance shall be reviewed by the PBES Department and the Fire Department to assure that the design allows 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 pursuant to the County Code and in accordance with the Napa County Roads and Street Standards. A separate entry structure permit is not required if the entry structure is consistent with entry structure plans submitted, reviewed, and approved as part of this permit approval.

- 9.4 LANDSCAPING Landscaping shall be installed in accordance with the approved landscaping plan.
- 9.5 ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS [RESERVED]
- 9.6 DEMOLITION ACTIVITIES [RESERVED]
- 9.7 GRADING SPOILS All spoils shall be removed in accordance with the approved grading permit and/or building permit.
- 9.8 MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY **[RESERVED]**
- 9.9 OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY **[RESERVED]**

Planning, Building & Environmental Services



A Tradition of Stewardship A Commitment to Service 1195 Third Street, Suite 210 Napa, CA 94559 www.countyofnapa.org

> David Morrison Director

MEMORANDUM

To:	Graham Hannaford, Project Planner	From:	Kim Withrow, Environmental Health Supervisor	81
Date:	May 4, 2018	Re:	Boyd Vineyard Winery Big Ranch Road APN: 036-190-003 Project #: P17-00379	

This Division has reviewed a revised application requesting approval to construct a new winery and related improvements including a commercial kitchen with a marketing and visitation plan described in application materials. This Division has no objection to approval of the application with the following conditions of approval:

Prior to building permit issuance:

1. Because the proposed facility will have a food facility that will be used for food preparation for distribution at retail, this kitchen must be regulated under the California Retail Food Code and permitted by this Division. Complete plans and specifications for the food preparation, service area(s), storage area(s) and the employee restrooms must be submitted for review and approval by this Division prior to approval of any building permit for said areas.

Additionally, as a condition of approval and permitting of this food facility, the owner will have to comply with water system sampling and reporting as required. Owner shall apply for and obtain an annual food permit prior to issuance of a final on this project.

2. Plans for the proposed alternative sewage treatment system(s) as described in the Wastewater Feasibility Study, dated October 20, 2017, included with application materials shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be accompanied by complete design criteria based upon local conditions. No building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system will be approved until such plans are approved by this Division.

- Please be advised-requirements for process wastewater treatment systems in Napa County are being reviewed and may be modified to comply with Regional Water Quality Control Board (RWQCB) minimum standards.
- 3. Permit(s) to construct the wastewater treatment system(s) must be secured from this Division prior to approval of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system.
- 4. Adequate area must be provided for collection of recyclables. The applicant must work with the franchised garbage hauler for the service area in which they are located, in order to determine the area and the access needed for the collection site. The garbage and recycling enclosure must meet the enclosure requirements provided during use permit process and be included on the building permit submittal. The designated area shall remain available and be properly maintained for its intended use.

During construction and/or prior to final occupancy:

- 5. During the construction, demolition, or renovation period of the project the applicant must use the franchised garbage hauler for the service area in which they are located for all wastes generated during project development, unless applicant transports their own waste. If the applicant transports their own waste, they must use the appropriate landfill or solid waste transfer station for the service area in which the project is located.
- 6. An annual alternative sewage treatment system monitoring permit must be obtained for the alternative sewage treatment system /private sewage disposal system prior to issuance of a final on the project. The septic system monitoring, as required by this permit, must be fully complied with.
- 7. Annual food and water system operating permits must be obtained for the commercial kitchen and Cal Code water system.

Upon final occupancy and thereafter:

- The applicant shall provide portable toilet facilities for guest use during events of 100
 persons or more as indicated in the septic feasibility report/use permit application. The
 portable toilet facilities must be pumped by a Napa County permitted pumping
 company.
- 9. Pursuant to Chapter 6.95 of the California Health and Safety Code, businesses that store hazardous materials above threshold planning quantities (55 gallons liquid, 200 cubic feet compressed gas, or 500 pounds of solids) shall obtain a permit, file an approved Hazardous Materials Business Plan to <u>http://cers.calepa.ca.gov/</u>, and be approved by this Division within 30 days of said activities.
- 10. Some proposed food service will be catered; therefore, all food must be prepared and served by a Napa County permitted caterer. If the caterer selected does not possess a

Boyd Family Vineyards 036-190-003 P17-00379 Page **3** of **3**

valid Napa County Permit to operate, refer the business to this Division for assistance in obtaining the required permit prior to providing any food service.

- 11. The use of the wastewater absorption field/drain field area shall be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. Activities which must be avoided in the area of the septic system include equipment storage, traffic, parking, pavement, livestock, etc.
- 12. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
- 13. All diatomaceous earth/bentonite must be disposed of in an approved manner. If the proposed septic system is an alternative sewage treatment system the plan submitted for review and approval must address bentonite disposal.



A Commitment to Service

Napa County Fire Department Fire Marshal's Office Hall of Justice, 2nd Floor 1125 3rd Street Napa, CA 94559

Office: (707) 299-1461

Garrett Veyna Fire Marshal

MEMORANDUM

TO:	Planning Division	DATE:	December 12, 2017
FROM:	Chase Beckman Fire Department		
SUBJECT:	P17-00379	APN:	036-190-003

The Napa County Fire Marshal's Office has reviewed the submittal package for the above proposed project. The Fire Marshal approves as submitted and requires the following conditions to be incorporated as part of permit issuance.

- 1. All construction and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at time of Building Permit issuance.
- 2. Beneficial occupancy will not be granted until all fire department fire and life safety items have been installed, tested and finaled.
- 3. Separate submittals required for Underground Fire Lines, Fire Pump, Automatic Fire Sprinklers, Fire Alarm Systems
- 4. All buildings, facilities, and developments shall be accessible to fire department apparatus by way of approved access roadways and/or driveways. The fire access road shall comply with the requirements of the Napa County Road & Street Standards.
- 5. Turnarounds are required on driveways and dead end roadways.
- Gates for driveways and/or roadways shall comply with the California Fire Code, section 503.5 and the Napa County Road & Street Standards and CA Fire Safe Regulations for projects within SRA.
- Commercial Water storage (for buildings not served by a public water system) and fire flow calculations shall be provided by a Certified State Licensed Civil Engineer, C-16 licensed contractor, or registered engineer indicating compliance with Table B105.2 through Table 105.4 of the Napa County Code Amendments.
- 8. Commercial Approved steamer hydrants shall be installed within 250 feet of any exterior portion of the building as measured along vehicular access roads. Private fire service mains shall be installed, tested and maintained per NFPA 24 2013 edition.



A Commitment to Service

Napa County Fire Department Fire Marshal's Office Hall of Justice, 2nd Floor 1125 3rd Street Napa, CA 94559

Office: (707) 299-1461

Garrett Veyna Fire Marshal

MEMORANDUM

- Commercial -Indicate Fire Department Connection (FDC) locations for automatic sprinkler systems shall be located fully visible and recognizable from the street or fire apparatus access roads. FDC shall be located within 50 feet of an approved fire hydrant.
- 10. Commercial The minimum main size of all fire hydrants shall be 6 inches in diameter. Piping shall be installed with C-900 class 200 piping or ductile iron or equivalent per NFPA 24, 2013 edition for the installation of Underground Fire Protection Mains
- 11. An automatic fire sprinkler system shall be installed in accordance with provisions set forth in the California Fire Code as amended by the County of Napa and the applicable National Fire Protection Association Standard. Automatic fire sprinkler systems shall be designed by a fire protection engineer or C-16 licensed contractor.
- 12. All buildings shall comply with California Fire Code, Chapter 10 Means of Egress requirements. Including but not limited to; exit signs, exit doors, exit hardware and exit illumination.

Please note that the comments noted above are based on a Fire Marshal review only. There may be additional comments or information requested from other County Departments or Divisions reviewing this application submittal package. Napa County Fire Marshal's Office Development Guidelines can be found @ www.countyofnapa.org/firemarshal. Should you have any questions of me, contact me at (707)299-1467 or email at chase.beckman@fire.ca.gov

Planning, Building & Environmental Services

1195 Third Street, Suite 210 Napa, CA 94559 www.countyofnapa.org

> David Morrison Director



A Tradition of Stewardship A Commitment to Service

MEMORANDUM

To:	Graham Hannaford, Planning	From:	Daniel Basore, Engineering
Date:	June 8, 2018	Re:	P17-00379 Boyd Family Winery Use Permit Conditions of Approval APN: 036-190-003-000

The Engineering and Conservation division ('Engineering') has reviewed the use permit application P17-00379 for the Boyd Family Winery Use Permit located on assessor's parcel number 036-190-003-000. In general the project proposes the following:

"Construction and operation of a small winery within the FEMA SFHA Zone AE"

Based upon the information provided in the application, Engineering finds the application **complete** and recommends the following conditions of approval:

EXISTING CONDITIONS

1. The Existing Parcel is in a designated 100-year FEMA Flood Zone AE

RECOMMENDED APPROVAL CONDITIONS:

OPERATIONAL CHARACTERISTICS

1. The facility is designated as a discharger that discharges stormwater associated with industrial activity to waters of the United States. Therefore, the facility shall maintain or apply for coverage under the State Water Resources Control Board's Industrial General Permit (IGP), including meeting all applicable provision and protocols of the IGP. If the facility fails to meet the discharge prohibitions of the IGP, Napa County may require the facility to make the necessary improvements to eliminate all exposures to stormwater of the pollutant(s) for which the water body is impaired.

PREREQUISITES FOR ISSUANCE OF PERMITS

2. Any roadway, access driveway, and parking areas, proposed new or reconstructed shall meet the requirements as outlined in the latest edition of the Napa County Road & Street Standards for Commercial development at the time of use permit approval excluding a 138' section of road that is allowed a reduction in commercial width per the Road Exception Evaluation conducted by this

division attached herein dated June 8, 2018. The property owner shall obtain a grading permit for all proposed roadway improvements.

- 3. All on site civil improvements including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking and drive isles, shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the Engineering Division of the Napa County Planning, Building, and Environmental Services Department (PBES) **prior to the commencement** of any on site land preparation or construction. Plans shall be wet signed and submitted with the building and/or grading permit documents at the time of permit application. A plan check fee will apply.
- 4. Grading and drainage improvements shall be constructed according to the current Napa County Road and Street Standards, Chapter 16.28 of the Napa County Code, and Appendix J of the California Building Code.
- 5. **Prior to issuance of a building permit** the owner shall submit the necessary documents for Erosion Control as determined by the area of disturbance of the proposed development in accordance with the Napa Countywide Stormwater Pollution Prevention program Erosion and Sediment Control Plan Guidance for Applicant and Review Staff dated December 2014.
- 6. **Prior to issuance of a building permit** the owner shall prepare a Regulated Project Stormwater Control Plan (SCP) in accordance with the latest edition of the BASMAA Post-Construction Manual for review and approval by the Engineering Division in PBES.
- 7. **Prior to issuance of a building permit**, an Operation and Maintenance Plan shall be submitted and tentatively approved by the Engineering Division in PBES. **Before final occupancy** the property owner must legally record the "Operation and Maintenance Agreement", approved by the Engineering Division in PBES.
- 8. No person shall deposit or remove any material, excavate, construct, install, alter or remove any structure within, upon or across a Special Flood Hazard Area, nor otherwise alter the hydraulic characteristics of a Special Flood Hazard Area **without first obtaining a floodplain permit** pursuant to Chapter 16.04 of the Napa County Code and in conformance with county Code and 44 CFR Section 60.3. All improvements within the SFHA are subject to compliance with the above identified codes.

PREREQUISITES DURING PROJECT CONSTRUCTION

9. Required on-site pre-construction meeting with the Napa County PBES Engineering Division **prior** to start of construction.

PREREQUISITES FOR TEMPORARY CERTIFICATE OF OCCUPANCY

- 10. All roadway improvements shall be completed **prior to execution** of any new entitlements approved under this Use Permit. **** If no temporary occupancy is requested, then this becomes a requirement prior to final occupancy.**
- 11. Completed Elevation certificate (FEMA Form 086-0-33) shall be submitted and approved by the Engineering Division **prior to execution** of any new entitlements.

PREREQUISITES FOR FINAL CERTIFICATION OF OCCUPANCY

- 12. Operations and Maintenance Agreement for post construction Stormwater facilities must be legally recorded.
- 13. Site shall be completely stabilized to the satisfaction of the County Engineer prior to Final Occupancy.

Any changes in use may necessitate additional conditions for approval.

If you have any questions regarding the above items, please contact Daniel Basore from Napa County Planning, Building, and Environmental Services Department, Engineering and Conservation Division, at (707)259-8328 or by email at <u>Daniel.Basore@countyofnapa.org</u>

Planning, Building & Environmental Services

1195 Third Street, Suite 210 Napa, CA 94559 www.countyofnapa.org

> David Morrison Director



A Tradition of Stewardship A Commitment to Service

MEMORANDUM

To:	Graham Hannaford Planning Division	From:	Daniel Basore Engineering Services
Date:	June 8, 2018	Re:	Permit No. P17-00379 Boyd Family Winery Use Permit Road Exception Evaluation APN: 036-190-003-000

ROAD EXCEPTION REQUEST:

The Engineering Services Division received a request (Request), as part of the Use Permit application package for an exception to the Napa County Road and Street Standards (RSS) for the proposed Boyd Family Winery to be located at 4024 Big Ranch Road, Napa, California. Access to the subject parcel is via a private driveway on the east side of Big Ranch Road approximately 350 feet north of the intersection of Big Ranch Road and Salvador Avenue.

The Exception request is for a reduction in commercial roadway width for approximately 138 feet of the private driveway. The subject parcel falls entirely within the Local Responsibility Area (LRA) and is not designated as being in a Very High Fire Hazard Severity Zone (VHFHSZ).

ENGINEERING DIVISION EVALUATION AND RECOMMENDATION:

Engineering Division staff has reviewed the Request noted above with the applicant's authorized agents, Engineering staff and the Fire Marshal's office. With respect to Section (3) & Section (5) of the RSS as adopted by Resolution No. 2017-156 by the Board of Supervisors on September 26, 2017, this division has determined the following:

REDUCTION IN COMMERCIAL WIDTH EXCEPTION REQUEST:

The request to an exception for a reduction in commercial roadway width to a one-way road for 138' of the private drive per section (5) of the RSS: The improvement achieves safe access for emergency apparatus, safe civilian evacuation, and the avoidance of delays in emergency response based on the demands of the property by providing the following permanent measures:

1. Horizontal and Vertical vegetation management shall be implemented along the entire length of the private lane and around any existing and proposed structures to create defensible space.

- 2. Improvements to the existing private driveway to bring the entirety of the road excluding the 138.0' section of road into compliance with the NCRSS. [Please refer to the attached Road exception request letter and exhibit prepared by Monteverdi Consulting dated April 25, 2018 for location and mitigation of road exception area]
- 3. Signage to safely direct ingressing and egressing traffic to and from the winery to Big Ranch Road.
- 4. Unobstructed line of site from each yield to oncoming traffic location (start and end of road exception area).

The Request has provided the necessary documentation as required by RSS Section (5) for the Engineering Division to support the Exception Request for approval by the required approving body. The following conditions are in addition to any and all conditions previously placed on the project as part of this discretionary application:

- 1. The roadway shall be constructed and maintained to the approved condition prior to any new entitlement grated under this use permit modification and throughout the life of the parcel or until such time the County deems that future road design changes or changes in use of this roadway beyond the use proposed shall require re-evaluation of the roadway to comply with the requirements of adopted codes, standards and regulations and may require additional conditions.
- 2. The private drive surface shall be periodically maintained by the property owner to assure sufficient structural section for loading conditions equivalent to the H20-44 criterion and the design Traffic Index.

Attachements:

1. Road Exception Request dated April 25, 2018 prepared by Monteverdi consultants with concept access raod and easement plan attachements prepared by Summit Engineering dated May 4, 2018.

monteverdiconsulting

PLANNING + PERMITTING + PROJECT MANAGEMENT

April 25, 2018

VIA HAND DELIVERY

Mr. David Morrison, Director Napa County Department of Conservation, Development and Planning 1195 Third Street, Room 210 Napa, CA 94559

Re: <u>UPDATED Road Exception Request: Boyd Family Vineyards</u> <u>Winery Use Permit Application (P17-00379-UP); 4024 Big Ranch</u> <u>Rd., Napa, CA (APN 036-190-003)</u>

Dear Director Morrison:

On behalf of Mr. Stan Boyd and Boyd Family Vineyards, please accept this request for an exception to the Napa County Road and Street Standards (RSS), pertaining to Use Permit application P17-00379-UP. This letter has been prepared based on communications between Planning Staff, Napa County Fire, Napa County Engineering Services and me.

The project is located at 4024 Big Ranch Road which is located entirely within the Napa County Local Responsibility Area (LRA) and is not in a Very High Fire Hazard Severity Zone (VHFHSZ). Pursuant to Section 5 of the RSS, owners and leaseholders of property that is located completely within the LRA and not designated as being in a VHFHSZ, may make an application for an exception to these Standards. The exception request must provide measures which provide safe access for emergency apparatus, safe civilian evacuation, and the avoidance of delays in emergency response based on the demands of the property as determined by the County Engineer and Fire Marshal on a case-by-case basis.

Mr. Boyd has met with the neighbors on several occasions to discuss the nature of the easement need to meet RSS design requirements for the driveway. The neighbors have agreed to an easement that allows the winery access road to meet RSS for its entire length, except for a \pm -138 ft. length immediately in front of the neighbors' residence. As

such, a roadway design which meets the RSS standards to the maximum extent possible has been prepared for the project and is included within the Revised Project Site Development Plans (Exhibit A). This design has been reviewed and provisionally approved by representatives both Napa County Fire and Engineering Services.

As noted, the proposed design meets all applicable RSS design criteria for its entire length, except for a short +/-138 ft. stretch (the "exception area"). The entire length of the driveway, including the exception area, is across level land with unobstructed sight lines. Additional measures which that provide safe access for emergency apparatus, safe civil evacuation, and the avoidance of delays in emergency response based on the demands of the property include (Exhibit A):

- Access to and from Big Ranch Road via a juncture that meets the full design requirements of the RSS;
- Signage and pavement markings directing traffic flow around a landscaped island;
- RSS-compliant tapers between the conforming road and the exception area; and
- Yield signs and pavement markings at both ends of the exception area.

The RSS allow for exceptions to the roadway design standards when specific findings can be made. With respect to the proposed exception for the Boyd Winery, the unwillingness for the neighbors to grant an easement for widening for the +/-138 ft. stretch of driveway in front of their home legally precludes Mr. Boyd from widening the road to the full extent of the RSS design. Therefore, pursuant to RSS Section 3.d.iii and Section 3.e., Mr. Boyd requests that an Exception be approved in order to accommodate the legal constraint described herein.

On behalf of the Boyd Family Vineyards Winery project team, I thank you in advance for your time. Please do not hesitate to contact me if you have any questions.

Sincerely,

MONTEVERDI CONSULTING

George H. Monteverdi, Ph.D. Principal

cc: Mr. Stan Boyd, Applicant

Exhibit A

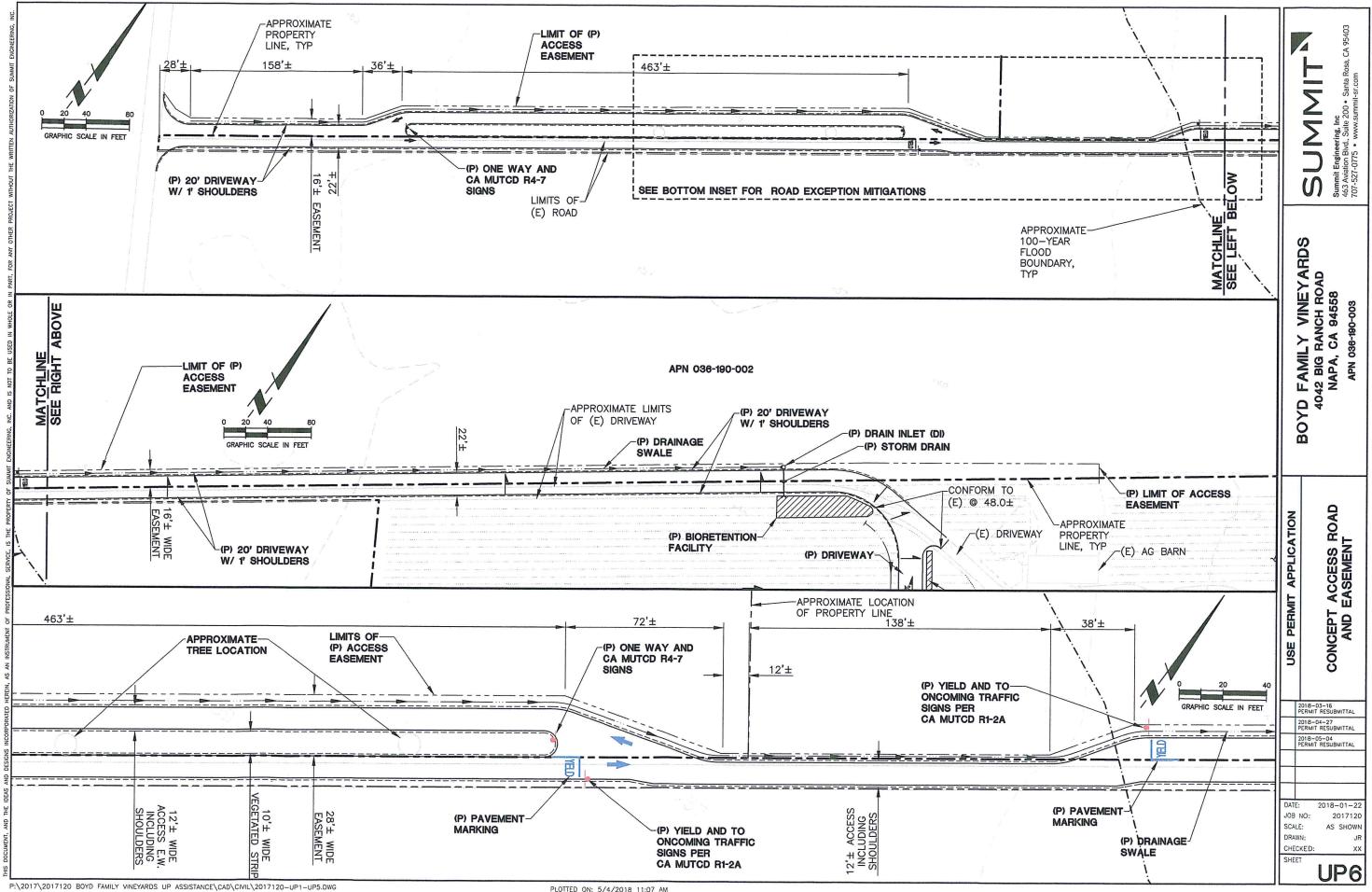
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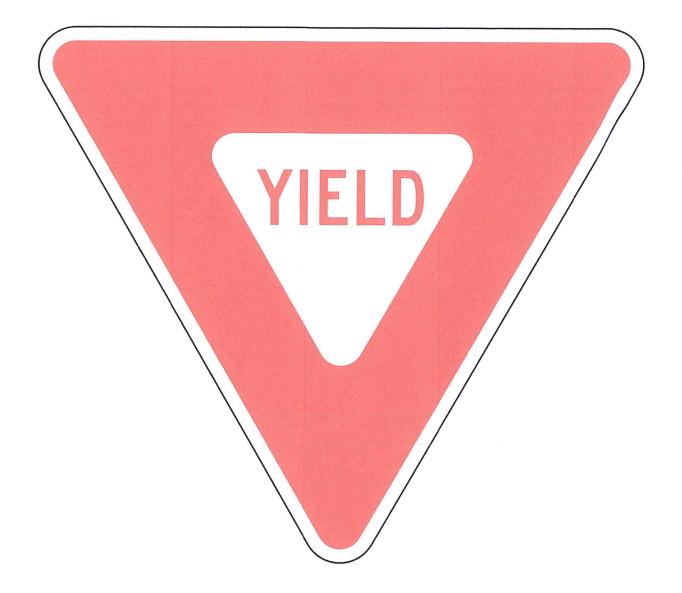
Boyd Family Vineyards

Proposed Driveway Design

Boyd Family Vineyards Winery – Road Exception Request 4/25/2018 Page 3



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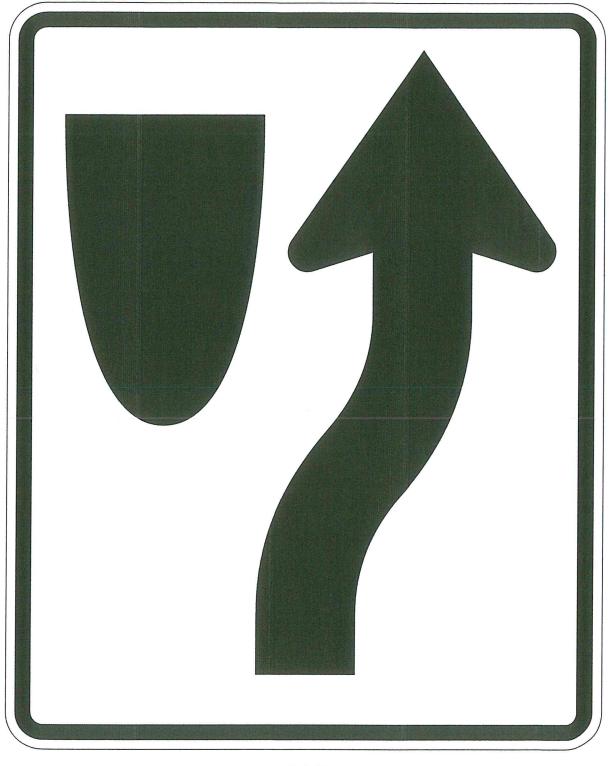
R1-2 Yield

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R1-2aP To Oncoming Traffic

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